

EXHIBIT A

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

INTERSERVE, INC. dba TECHCRUNCH, a
Delaware corporation, and CRUNCHPAD,
INC., a Delaware corporation,

Plaintiffs,

vs.

FUSION GARAGE PTE. LTD, a Singapore
company,

Defendant.

CASE NO. 09-cv-5812 JW
**FUSION GARAGE PTE. LTD'S
REQUEST FOR PRODUCTION OF
DOCUMENTS (SET ONE)**

PROPOUNDING PARTY: DEFENDANT FUSION GARAGE PTE. LTD
RESPONDING PARTY: PLAINTIFFS INTERSERVE, INC., TECHCRUNCH AND
CRUNCHPAD, INC.
SET NO.: ONE

Pursuant to Fed. R. Civ. P. 34, Defendant Fusion Garage PTE. Ltd. respectfully requests
that, within thirty (30) days after service of these Requests, Plaintiffs Interserve, Inc., d/b/a
TechCrunch, and CrunchPad, Inc. serve a written response to, and produce at the offices of
Defendant's counsel, Quinn Emanuel Urquhart Oliver & Hedges, LLP, 50 California Street, 22nd

1 Floor, San Francisco, CA 94111, the following documents and tangible things in accordance with
2 the following Definitions and Instructions:

3 **I. DEFINITIONS**

4 A. "YOU", "YOUR", or "PLAINTIFFS" mean Plaintiffs Interserve, Inc., d/b/a
5 TechCrunch, and CrunchPad, Inc., and any person acting under their direction or on their behalf,
6 including their employees, agents, and attorneys.

7 B. "FUSION GARAGE" or "DEFENDANT" mean defendant Fusion Garage PTE.
8 Ltd., and any person acting under its direction or on its behalf, including its employees, agents,
9 and attorneys.

10 C. "DOCUMENT" shall include, without limitation, all written, graphic or otherwise
11 recorded material, including without limitation, microfilms or other film records or impressions,
12 tape recordings or computer cards, floppy disks or printouts, any and all papers, photographs,
13 films, recordings, memoranda, books, records, accounts, communications, letters, telegrams,
14 correspondence, notes of meetings, notes of conversations, notes of telephone calls, inter-office
15 memoranda or written communications of any nature, recordings of conversations either in
16 writings or upon any mechanical or electrical recording devices, including e-mail, notes, papers,
17 reports, analyses, invoices, canceled checks or check stubs, receipts, minutes of meetings, time
18 sheets, diaries, desk calendars, ledgers, schedules, licenses, financial statements, telephone bills,
19 logs, and any differing versions of any of the foregoing, whether so denominated, formal, informal
20 or otherwise, as well as copies of the foregoing which differ in any way, including by the addition
21 of handwritten notations or other written or printed matter of any nature, from the original. The
22 foregoing specifically includes information stored in a computer database and capable of being
23 generated in documentary form, such as electronic mail.

24 D. "RELATE TO" or "REFER TO" or any variants thereof, means mentions,
25 discusses, describes, comments on, refers, or pertains to the subject matter of the request, directly
26 or indirectly, in whole or in part.

27 E. "ANY" includes "any," "all," "each," and "every."
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1 **II. INSTRUCTIONS**

2 A. Each document and thing produced in response hereto shall either be produced as it
3 is kept in the usual course of business or shall be organized and labeled to correspond with the
4 categories of the request in response to which it is being produced.

5 B. A representation of inability to comply with a particular request shall affirm that a
6 diligent search and a reasonable inquiry have been made. The statement shall also specify whether
7 inability to comply is because the item has never existed; has been destroyed; has been lost,
8 misplaced or stolen; or has never been, or no longer is, in your possession, custody, or control. If
9 the item is not in your possession, custody or control, the statement shall specify the name and
10 address of any natural person or organization believed to have such possession, custody or control.

11 C. In the event that any document called for is withheld from production under a claim
12 of privilege or other claimed immunity from discovery, such document shall be identified in
13 writing by stating (a) its author; (b) each addressee; (c) each person who has received a copy of the
14 document; (d) the document's date, general subject matter, number of pages, attachments or
15 appendices; (e) the present custodian of the document; and (f) the nature of the privilege or
16 immunity asserted. If the document is withheld on attorney-client privilege grounds, the name of
17 the attorney, name of the client, and basis for the claim of privilege shall also be identified.

18 D. If you object to the production of any document on the grounds that it is protected
19 from disclosure by the attorney-client privilege, work-product doctrine, or any other privilege, you
20 are requested to identify each document for which the privilege is claimed and give all information
21 required by applicable case law, including but not limited to the following:

- 22 1. the name of the writer, sender, or initiator of each copy of the document;
- 23 2. the name of the recipient, addressee, or party to whom any copy of the
24 document was sent;
- 25 3. the date of each copy of the document, if any, or an estimate of its date;
- 26 4. a statement of the basis for the claim of privilege; and
- 27 5. a description of the document sufficient for the Court to rule on the
28 applicability and appropriateness of the claimed privilege.

1 E. To the extent that you object to any part of the following requests (or definitions
2 and instructions applicable thereto), produce the documents responsive to that part of the request
3 to which you do not object, and state specifically each ground upon which objection is made.

4 F. In the event that any document requested herein has been lost, discarded, destroyed
5 or transferred beyond your control, identify such document by providing as much of the following
6 information as is possible: the type of document; the date of the document; the approximate date it
7 was lost, discarded, destroyed or transferred; the reason or reasons for disposing of the document;
8 the identity of all persons authorizing or having knowledge of the circumstances surrounding the
9 disposal of the document; the identity of the person(s) who lost, discarded, destroyed or
10 transferred the document; and the identity of all persons who have knowledge of the document's
11 contents.

12 G. It is your obligation to provide all responsive documents in your possession,
13 custody or control. This includes documents in the possession of your attorneys, agents,
14 representatives, other outside service providers and persons employed by you or your attorneys.

15 H. The request for production of documents herein shall be deemed continuous up to
16 and following the date of your production such that any document requested herein which is either
17 discovered by you or comes within your possession, custody, or control subsequent to your initial
18 production but prior to the final conclusion of this case should be produced immediately upon its
19 discovery or receipt.

20 **III. DOCUMENTS REQUESTED**

21 **REQUEST FOR PRODUCTION NO. 1:**

22 All DOCUMENTS disclosing or describing each alleged "business idea" that YOU
23 contend DEFENDANT misappropriated.

24 **REQUEST FOR PRODUCTION NO. 2:**

25 All DOCUMENTS disclosing or describing each alleged trade secret that YOU contend
26 DEFENDANT misappropriated.

27 **REQUEST FOR PRODUCTION NO. 3:**

28 All DOCUMENTS disclosing or describing each alleged item of intellectual property,

1 including, but not limited to, copyrights, trademarks, patents, or any applications thereof, that
2 YOU contend DEFENDANT misappropriated or infringed.

3 **REQUEST FOR PRODUCTION NO. 4:**

4 All DOCUMENTS supporting YOUR contention that PLAINTIFFS and DEFENDANT
5 entered into a partnership or joint venture.

6 **REQUEST FOR PRODUCTION NO. 5:**

7 All DOCUMENTS reflecting communications amongst YOUR employees or agents
8 relating to YOUR alleged collaboration with DEFENDANT to develop the CrunchPad web tablet
9 or any of its prototypes.

10 **REQUEST FOR PRODUCTION NO. 6:**

11 All DOCUMENTS reflecting communications between YOUR employees or agents and
12 DEFENDANT'S employees or agents relating to YOUR alleged collaboration with
13 DEFENDANT to develop the CrunchPad web tablet or any of its prototypes.

14 **REQUEST FOR PRODUCTION NO. 7:**

15 All DOCUMENTS reflecting communications between YOUR employees or agents and
16 any third party relating to YOUR alleged collaboration with DEFENDANT to develop the
17 CrunchPad web tablet or any of its prototypes.

18 **REQUEST FOR PRODUCTION NO. 8:**

19 All DOCUMENTS concerning DEFENDANT or any of its personnel.

20 **REQUEST FOR PRODUCTION NO. 9:**

21 All DOCUMENTS relating to YOUR projected revenues, expenses, or profits from any
22 projected sales of the CrunchPad web tablet.

23 **REQUEST FOR PRODUCTION NO. 10:**

24 All DOCUMENTS created or drafted by YOU relating to the marketing or promotion of
25 the CrunchPad web tablet or any of its prototypes.

26 **REQUEST FOR PRODUCTION NO. 11:**

27 All DOCUMENTS created or drafted by YOU relating to the design, technical
28 specifications, computer code, software architecture, or hardware architecture of the CrunchPad

1 web tablet or any of its prototypes.

2 **REQUEST FOR PRODUCTION NO. 12:**

3 All DOCUMENTS containing statements made by DEFENDANT that YOU contend were
4 false and misleading under the Lanham Act and/or the California Business and Professions Code.

5 **REQUEST FOR PRODUCTION NO. 13:**

6 All DOCUMENTS reflecting or containing alleged promises from DEFENDANT to YOU
7 that YOU contend DEFENDANT did not fulfill.

8 **REQUEST FOR PRODUCTION NO. 14:**

9 All DOCUMENTS that YOU referenced or relied upon in responding to DEFENDANT'S
10 Special Interrogatories, Set One, served concurrently herewith on PLAINTIFFS.

11 **REQUEST FOR PRODUCTION NO. 15:**

12 All DOCUMENTS reflecting blog posts or other internet postings that REFER TO the
13 CrunchPad web tablet or any of its prototypes.

14 **REQUEST FOR PRODUCTION NO. 16:**

15 All DOCUMENTS reflecting blog posts or other internet postings that REFER TO the
16 JooJoo device.

17 **REQUEST FOR PRODUCTION NO. 17:**

18 All DOCUMENTS reflecting blog posts or other internet postings that REFER TO this
19 litigation.

20 **REQUEST FOR PRODUCTION NO. 18:**

21 All DOCUMENTS reflecting communications between YOUR employees or agents and
22 any third party that RELATE TO this litigation.

23 **REQUEST FOR PRODUCTION NO. 19:**

24 All DOCUMENTS reflecting Non-Disclosure Agreements that RELATE TO YOUR
25 alleged collaboration with DEFENDANT to develop the CrunchPad web tablet or any of its
26 prototypes.

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1 **REQUEST FOR PRODUCTION NO. 20:**

2 All DOCUMENTS reflecting development agreements, partnership agreements, joint
3 venture agreements, or other written agreements that RELATE TO YOUR alleged collaboration
4 with DEFENDANT to develop the CrunchPad web tablet or any of its prototypes, including all
5 drafts of such agreements.

6 **REQUEST FOR PRODUCTION NO. 21:**

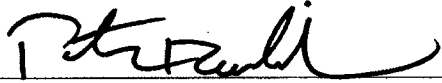
7 All DOCUMENTS reflecting communications between Michael Arrington and Heather
8 Harde that RELATE TO this litigation.

9 **REQUEST FOR PRODUCTION NO. 22:**

10 All DOCUMENTS reflecting communications between Michael Arrington and Heather
11 Harde that RELATE TO DEFENDANT.

12
13 DATED: January 8, 2010

QUINN EMANUEL URQUHART OLIVER &
HEDGES, LLP

14
15
16 By 
17 Patrick Doolittle
18 Attorney for Defendant FUSION GARAGE PTE.
19 LTD