

EXHIBIT B

Winston & Strawn LLP
101 California Street
San Francisco, CA 94111-5802

1 Andrew P. Bridges (SBN: 122761)
Abridges@winston.com
2 David S. Bloch (SBN: 184530)
DBloch@winston.com
3 WINSTON & STRAWN LLP
101 California Street
4 San Francisco, CA 94111-5802
Telephone: (415) 591-1000
5 Facsimile: (415) 591-1400

6 Attorneys for Plaintiffs
7
8

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

11 INTERSERVE, INC., dba TECHCRUNCH,)
a Delaware corporation, and CRUNCHPAD,)
12 INC., a Delaware corporation,)

13 Plaintiffs,)

14 vs.)

15 FUSION GARAGE PTE. LTD., a Singapore)
company,)

16 Defendant.)
17

Case No. CV-09-5812 JW (PVT)

PLAINTIFFS' RESPONSE TO FUSION
GARAGE PTE. LTD.'S REQUEST FOR
PRODUCTION OF DOCUMENTS (SET
ONE)

18
19 Plaintiffs Interserve, Inc. d/b/a TechCrunch and CrunchPad, Inc. hereby respond to Fusion
20 Garage Pte. Ltd.'s Request for Production of Documents (Set One) as follows:

21 GENERAL OBJECTIONS

22 Plaintiffs makes the following general objections, whether or not separately set forth in
23 response to each and every instruction, definition and request for production:

24 1. Plaintiffs object to each request to the extent that it seeks information that is protected
25 by the attorney-client privilege, the work product privilege and/or any other applicable privilege.
26 Such information will not be disclosed. Any inadvertent disclosure of such information shall not be
27 deemed a waiver of the attorney-client privilege, the attorney work product doctrine, or any other
28 applicable privilege or immunity recognized by statute or case law.

1 **REQUEST NO. 3**

2 All DOCUMENTS disclosing or describing each alleged item of intellectual property,
3 including, but not limited to, copyrights, trademarks, patents, or any applications thereof that YOU
4 contend DEFENDANT misappropriated or infringed.

5 **RESPONSE TO REQUEST NO. 3**

6 Plaintiffs do not allege misappropriation of copyrights, trademarks, patents, or any
7 applications thereof in their Complaint. Subject to this objection, Plaintiffs will produce the
8 CRUNCHPAD trademark application. There are no other documents responsive to this request.

9 **REQUEST NO. 4**

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

12 **RESPONSE TO REQUEST NO. 4**

13 Plaintiffs object that this request is overbroad and unduly burdensome and seeks information
14 outside the scope of permissible discovery because it seeks information that is not relevant to the
15 subject matter of this action and because it is not reasonably calculated to lead to the discovery of
16 admissible evidence. Plaintiffs further object to this request as vague and ambiguous. Plaintiffs also
17 object to the extent this requests seeks information protected by the attorney-client privilege or the
18 work product doctrine, especially to the extent it seeks to discover information concerning counsel's
19 legal conclusions regarding the partnership or joint venture between Plaintiffs and Defendant.

20 **REQUEST NO. 5**

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

24 **RESPONSE TO REQUEST NO. 5**

25 Plaintiffs object to this request as vague and ambiguous as to the phrase "your alleged
26 collaboration." Plaintiffs also object to the extent this requests information protected by the
27 attorney-client privilege or the work product doctrine.

28

1 Without waiving and subject to Plaintiffs' general and specific objections, Plaintiffs will
2 produce non-privileged responsive documents, if any, within Plaintiffs' possession, custody, or
3 control that Plaintiffs locate after a reasonable and diligent search.

4 **REQUEST NO. 6**

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

8 **RESPONSE TO REQUEST NO. 6**

9 Plaintiffs object to this request as vague and ambiguous with respect to the phrase "your
10 alleged collaboration." Plaintiffs also object to the extent this requests information protected by the
11 attorney-client privilege or the work product doctrine.

12 Without waiving and subject to Plaintiffs' general and specific objections, Plaintiffs will
13 produce non-privileged responsive documents, if any, within Plaintiffs' possession, custody, or
14 control that Plaintiffs locate after a reasonable and diligent search.

15 **REQUEST NO. 7**

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

19 **RESPONSE TO REQUEST NO. 7**

20 Plaintiffs object to this request as vague and ambiguous with respect to the phrase "your
21 alleged collaboration." Plaintiffs also object to the extent this requests information protected by the
22 attorney-client privilege or the work product doctrine.

23 Without waiving and subject to Plaintiffs' general and specific objections, Plaintiffs will
24 produce non-privileged responsive documents, if any, within Plaintiffs' possession, custody, or
25 control that Plaintiffs locate after a reasonable and diligent search.

26 **REQUEST NO. 8**

27 All DOCUMENTS concerning DEFENDANT or any of its personnel.
28

1 **RESPONSE TO REQUEST NO. 8**

2 Plaintiffs object that this request is overbroad and unduly burdensome and seeks information
3 outside the scope of permissible discovery because it seeks information that is not relevant to the
4 subject matter of this action and because it is not reasonably calculated to lead to the discovery of
5 admissible evidence. Plaintiffs further object to this request as vague and ambiguous. Plaintiffs also
6 object to the extent this requests information protected by the attorney-client privilege or the work
7 product doctrine.

8 Without waiving and subject to Plaintiffs' general and specific objections, Plaintiffs will
9 produce non-privileged responsive documents, if any, within Plaintiffs' possession, custody, or
10 control that Plaintiffs locate after a reasonable and diligent search.

11 **REQUEST NO. 9**

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

14 **RESPONSE TO REQUEST NO. 9**

15 Plaintiffs object to this request as vague and ambiguous with respect to "projected ...
16 expenses" and "projected sales". Plaintiffs also object to the extent this requests information
17 protected by the attorney-client privilege or the work product doctrine, and also to the extent that it
18 prematurely seeks expert testimony or reports.

19 Without waiving and subject to Plaintiffs' general and specific objections, Plaintiffs will
20 produce non-privileged responsive documents, if any, within Plaintiffs' possession, custody, or
21 control that Plaintiffs locate after a reasonable and diligent search.

22 **REQUEST NO. 10**

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

25 **RESPONSE TO REQUEST NO. 10**

26 Plaintiffs also object to the extent this requests information protected by the attorney-client
27 privilege or the work product doctrine.

28

1 Without waiving and subject to Plaintiffs' general and specific objections, Plaintiffs will
2 produce non-privileged responsive documents, if any, within Plaintiffs' possession, custody, or
3 control that Plaintiffs locate after a reasonable and diligent search.

4 **REQUEST NO. 11**

5 All DOCUMENTS created or drafted by YOU relating to the design, technical specifications,
6 computer code, software architecture, or hardware architecture of the CrunchPad web tablet or any
7 of its prototypes.

8 **RESPONSE TO REQUEST NO. 11**

9 Plaintiffs object that this request is overbroad and unduly burdensome and seeks information
10 outside the scope of permissible discovery because it seeks information that is not relevant to the
11 subject matter of this action and because it is not reasonably calculated to lead to the discovery of
12 admissible evidence. Plaintiffs also object to the extent this requests information protected by the
13 attorney-client privilege or the work product doctrine.

14 Without waiving and subject to Plaintiffs' general and specific objections, Plaintiffs will
15 produce non-privileged responsive documents, if any, within Plaintiffs' possession, custody, or
16 control that Plaintiffs locate after a reasonable and diligent search.

17 **REQUEST NO. 12**

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

20 **RESPONSE TO REQUEST NO. 12**

21 Plaintiffs object to this request as vague and ambiguous. Plaintiffs also object to the extent
22 this requests information protected by the attorney-client privilege or the work product doctrine, in
23 that it seeks information concerning counsel's assessment of and contentions concerning the facts
24 and evidence in this case.

25 **REQUEST NO. 13**

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

28

1 **RESPONSE TO REQUEST NO. 13**

2 Plaintiffs object that this request is overbroad and unduly burdensome and seeks information
3 outside the scope of permissible discovery because it seeks information that is not relevant to the
4 subject matter of this action and because it is not reasonably calculated to lead to the discovery of
5 admissible evidence. Plaintiffs further object to this request as vague and ambiguous with respect to
6 the phrase "reflecting or containing alleged promises." Plaintiffs also object to the extent this
7 requests information protected by the attorney-client privilege or the work product doctrine, in that it
8 seeks information concerning counsel's assessment of and contentions concerning the facts and
9 evidence in this case.

10 **REQUEST NO. 14**

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

13 **RESPONSE TO REQUEST NO. 14**

14 Plaintiffs object that this request is overbroad and unduly burdensome and seeks information
15 outside the scope of permissible discovery because it seeks information that is not relevant to the
16 subject matter of this action and because it is not reasonably calculated to lead to the discovery of
17 admissible evidence. Plaintiffs further object to this request as vague and ambiguous. Plaintiffs also
18 object to the extent this requests information protected by the attorney-client privilege or the work
19 product doctrine, in that it seeks information concerning documents counsel consulted or considered
20 important in responding to Fusion Garage's interrogatories.

21 **REQUEST NO. 15**

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

24 **RESPONSE TO REQUEST NO. 15**

25 To the extent that this request seeks information posted on Plaintiffs' blog, Plaintiffs object
26 that this information is equally available to Defendant. To the extent this request seeks information
27 posted on blogs other than Plaintiffs' blog, Plaintiffs object to the extent this request seeks
28 documents that are not in Plaintiffs' possession, custody, or control.

1 Plaintiffs object that this request is overbroad and unduly burdensome and seeks information
2 outside the scope of permissible discovery because it seeks information that is not relevant to the
3 subject matter of this action and because it is not reasonably calculated to lead to the discovery of
4 admissible evidence. Plaintiffs further object to this request as vague and ambiguous. Plaintiffs also
5 object to the extent this requests information protected by the attorney-client privilege or the work
6 product doctrine.

7 Without waiving and subject to Plaintiffs' general and specific objections, Plaintiffs will
8 produce non-privileged responsive documents, if any, within Plaintiffs' possession, custody, or
9 control that Plaintiffs locate after a reasonable and diligent search.

10 **REQUEST NO. 16**

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

13 **RESPONSE TO REQUEST NO. 16**

14 To the extent that this request seeks information posted on Plaintiffs' blog, Plaintiffs object
15 that this information is equally available to Defendant. To the extent this request seeks information
16 posted on blogs other than Plaintiffs' blog, Plaintiffs object to the extent this request seeks
17 documents that are not in Plaintiffs' possession, custody, or control.

18 Plaintiffs object that this request is overbroad and unduly burdensome and seeks information
19 outside the scope of permissible discovery because it seeks information that is not relevant to the
20 subject matter of this action and because it is not reasonably calculated to lead to the discovery of
21 admissible evidence. Plaintiffs further object to this request as vague and ambiguous. Plaintiffs also
22 object to the extent this requests information protected by the attorney-client privilege or the work
23 product doctrine.

24 Without waiving and subject to Plaintiffs' general and specific objections, Plaintiffs will
25 produce non-privileged responsive documents, if any, within Plaintiffs' possession, custody, or
26 control that Plaintiffs locate after a reasonable and diligent search.

27
28

1 **REQUEST NO. 17**

2 All DOCUMENTS reflecting blog posts or other internet postings that REFER TO this
3 litigation.

4 **RESPONSE TO REQUEST NO. 17**

5 To the extent that this request seeks information posted on Plaintiffs' blog, Plaintiffs object
6 that this information is equally available to Defendant. To the extent this request seeks information
7 posted on blogs other than Plaintiffs' blog, Plaintiffs object to the extent this request seeks
8 documents that are not in Plaintiffs' possession, custody, or control.

9 Plaintiffs object that this request is overbroad and unduly burdensome and seeks information
10 outside the scope of permissible discovery because it seeks information that is not relevant to the
11 subject matter of this action and because it is not reasonably calculated to lead to the discovery of
12 admissible evidence. Plaintiffs further object to this request as vague and ambiguous. Plaintiffs also
13 object to the extent this requests information protected by the attorney-client privilege or the work
14 product doctrine.

15 Without waiving and subject to Plaintiffs' general and specific objections, Plaintiffs will
16 produce non-privileged responsive documents, if any, within Plaintiffs' possession, custody, or
17 control that Plaintiffs locate after a reasonable and diligent search.

18 **REQUEST NO. 18**

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

21 **RESPONSE TO REQUEST NO. 18**

22 Plaintiffs object that this request is overbroad and unduly burdensome and seeks information
23 outside the scope of permissible discovery because it seeks information that is not relevant to the
24 subject matter of this action and because it is not reasonably calculated to lead to the discovery of
25 admissible evidence. Plaintiffs further object to this request as vague and ambiguous. Plaintiffs also
26 object to the extent this requests information protected by the attorney-client privilege or the work
27 product doctrine.

28

1 Without waiving and subject to Plaintiffs' general and specific objections, Plaintiffs will
2 produce non-privileged responsive documents, if any, within Plaintiffs' possession, custody, or
3 control that Plaintiffs locate after a reasonable and diligent search.

4 **REQUEST NO. 19**

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

7 **RESPONSE TO REQUEST NO. 19**

8 Plaintiffs object that this request is overbroad and unduly burdensome and seeks information
9 outside the scope of permissible discovery because it seeks information that is not relevant to the
10 subject matter of this action and because it is not reasonably calculated to lead to the discovery of
11 admissible evidence. Plaintiffs further object to this request as vague and ambiguous. Plaintiffs also
12 object to the extent this requests information protected by the attorney-client privilege or the work
13 product doctrine.

14 Plaintiffs are not aware of any non disclosure agreements between Fusion Garage and the
15 Plaintiffs. Without waiving and subject to Plaintiffs' general and specific objections, Plaintiffs will
16 produce non-privileged responsive documents, if any, within Plaintiffs' possession, custody, or
17 control that Plaintiffs locate after a reasonable and diligent search.

18 **REQUEST NO. 20**

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

23 **RESPONSE TO REQUEST NO. 20**

24 Plaintiffs object that this request is overbroad and unduly burdensome and seeks information
25 outside the scope of permissible discovery because it seeks information that is not relevant to the
26 subject matter of this action and because it is not reasonably calculated to lead to the discovery of
27 admissible evidence. Plaintiffs further object to this request as vague and ambiguous. Plaintiffs also
28

1 object to the extent this requests information protected by the attorney-client privilege or the work
2 product doctrine.

3 Without waiving and subject to Plaintiffs' general and specific objections, Plaintiffs will
4 produce non-privileged responsive documents, if any, within Plaintiffs' possession, custody, or
5 control that Plaintiffs locate after a reasonable and diligent search.

6 **REQUEST NO. 21**

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

9 **RESPONSE TO REQUEST NO. 21**

10 Plaintiffs object that this request is overbroad and unduly burdensome and seeks information
11 outside the scope of permissible discovery because it seeks information that is not relevant to the
12 subject matter of this action and because it is not reasonably calculated to lead to the discovery of
13 admissible evidence. Plaintiffs further object to this request as vague and ambiguous. Plaintiffs also
14 object to the extent this requests information protected by the attorney-client privilege or the work
15 product doctrine.

16 Without waiving and subject to Plaintiffs' general and specific objections, Plaintiffs will
17 produce non-privileged responsive documents, if any, within Plaintiffs' possession, custody, or
18 control that Plaintiffs locate after a reasonable and diligent search.

19 **REQUEST NO. 22**

20 All DOCUMENTS reflecting communications between Michael Arrington and Heather
21 Harde that RELATE TO DEFENDANT.

22 **RESPONSE TO REQUEST NO. 22**

23 Plaintiffs object that this request is overbroad and unduly burdensome and seeks information
24 outside the scope of permissible discovery because it seeks information that is not relevant to the
25 subject matter of this action and because it is not reasonably calculated to lead to the discovery of
26 admissible evidence. Plaintiffs further object to this request as vague and ambiguous. Plaintiffs also
27 object to the extent this requests information protected by the attorney-client privilege or the work
28 product doctrine.

1 Without waiving and subject to Plaintiffs' general and specific objections, Plaintiffs will
2 produce non-privileged responsive documents, if any, within Plaintiffs' possession, custody, or
3 control that Plaintiffs locate after a reasonable and diligent search.
4

5 Dated: February 8, 2010

WINSTON & STRAWN LLP

6
7 By: _____

8 Andrew P. Bridges
9 David S. Bloch
10 Nicholas Short
11 Attorneys for Plaintiffs

12 SF:271233.5
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Winston & Strawn LLP
101 California Street
San Francisco, CA 94111-5802