

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

BLADEROOM GROUP LIMITED, et al.,  
Plaintiffs,  
v.  
FACEBOOK, INC., et al.,  
Defendants.

Case No. [5:15-cv-01370-EJD](#) (HRL)

**\*\*REDACTED\*\***  
**ORDER RE DISCOVERY DISPUTE**  
**JOINT REPORT NO. 3**

Re: Dkt. No. 147

At issue in Discovery Dispute Joint Report (DDJR) No. 3: whether plaintiffs should be compelled to provide further responses to Facebook’s Interrogatories 1 and 7-9 to BladeRoom Group Limited (“BRG”) and Interrogatories 4-6 to Bripco (UK) Limited (“Bripco”). Briefly stated, these interrogatories ask plaintiffs to describe, for each alleged trade secret identified in their trade secrets disclosure, the circumstances of disclosure to any person;<sup>1</sup> every instance in which Facebook allegedly uses the claimed trade secret;<sup>2</sup> and the value to Facebook and the value to plaintiffs of the claimed trade secret.<sup>3</sup>

Facebook’s chief complaint is that plaintiffs’ interrogatory responses do not provide information for each of the 25 alleged trade secrets at issue. Rather, Facebook says that plaintiffs

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<sup>1</sup> Interrogatory 1 to BRG  
<sup>2</sup> Interrogatory 7 to BRG; Interrogatory 4 to Bripco  
<sup>3</sup> Interrogatories 8-9 to BRG; Interrogatories 5-6 to Bripco



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It seems to the court that plaintiffs are trying to have it both ways. Maybe they can ultimately, but they cannot for purposes of how they must respond to discovery requests. Plaintiffs themselves have put the individual 25 secrets into play, and Facebook is entitled to get interrogatory responses that track all 25 individually.

Plaintiffs' objections that the interrogatories are overbroad, premature, and unduly burdensome are overruled. They may be waiting on their experts to solidify their damages, but months have gone by now and, if they have more to give, they must do so.

Plaintiffs' objection that the interrogatories are compound (and thus there should be a separate question for each of the 25 trade secrets, probably exceeding the allowable number of interrogatories under Fed. R. Civ. P. 33(a)(1)) is likewise overruled. Since plaintiffs claim that their data center secrets are woven into a unitary product, there is nothing compound about asking what goes into that product. Alternatively, if the court is incorrect, then it increases the allowable number of interrogatories to accommodate the ones at issue here.

The objection based on attorney client privilege and work product doctrine needs to be substantiated before the court can rule. When plaintiffs submit their supplemental answers, and if they are serious about this objection, they must include (without revealing the substance of the information) what they are withholding and why it is privileged or protected.

Within 14 days from the filing of this order plaintiffs shall provide further supplemental responses to the interrogatories at issue here.

SO ORDERED.

Dated: March 9, 2017

  
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HOWARD R. LLOYD  
United States Magistrate Judge