

# EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

TIMELINES, INC.,	)	
	)	
Plaintiff-Counterdefendant,	)	
	)	Civil Action No. 11-cv-06867
v.	)	Judge John W. Darrah
	)	
FACEBOOK, INC.,	)	
	)	
Defendant-Counterplaintiff.	)	

**DEFENDANT FACEBOOK, INC.’S OBJECTIONS & RESPONSES TO  
PLAINTIFF TIMELINES, INC.’S FIRST SET OF DOCUMENT REQUESTS**

Pursuant to Federal Rules of Civil Procedure Rules 26 and 34, Defendant Facebook, Inc. (“Facebook”) hereby submits the following objections and responses to the First Set of Document Requests (“Requests”) propounded by Plaintiff Timelines, Inc. (“Plaintiff”). The responses contained herein are based on information reasonably available to Facebook as of the date of the response. Facebook’s discovery efforts are ongoing. Facebook expressly reserves the right to revise or supplement these responses.

**I. GENERAL RESPONSES.**

The following General Responses apply to each Request and are hereby incorporated by reference into the individual responses to each Request, and shall have the same force and effect as if fully set forth in the individual response to each Request.

1. Facebook’s responses to the Requests are (a) made to the best of Facebook’s current employees’ present knowledge, information, and belief; (b) at all times subject to such additional or different information that discovery or further investigation may disclose; and (c) while based on the present state of Facebook’s recollection, is subject to such refreshing of recollection, and such additional knowledge of facts, as may result from Facebook’s further

discovery or investigation.

2. Facebook reserves the right to make any use of, or to introduce at any hearing, trial, or elsewhere, information or documents responsive to the Requests but discovered subsequent to the date of these responses, including, but not limited to, any such information or documents obtained in discovery in this action.

3. To the extent Facebook agrees to produce documents in response to any Requests, Facebook will respond with responsive, non-privileged information currently in its corporate possession, custody, or control. Facebook has no duty to produce or identify information outside of its possession, custody, or control. By stating in these responses that Facebook will produce documents or is searching for documents, Facebook does not represent that any document actually exists, but rather that it will make a good faith search and reasonable inquiry to ascertain whether documents responsive to the Requests do, in fact, exist, and to produce such documents if they are found to exist and are within Facebook's possession, custody, or control.

4. To the extent that Facebook responds to Plaintiff's Requests by stating that Facebook will provide information or documents which Facebook or any other party to this litigation deems to embody material that is private, business confidential, proprietary, trade secret, or otherwise protected from disclosure pursuant to Federal Rule of Civil Procedure 26(c), Federal Rule of Evidence 501, or any other similar state or federal law, Facebook will do so only upon the entry of, and subject to, an appropriate protective order governing the unauthorized use or disclosure of such information or documents.

5. Unless otherwise stipulated in a production protocol or ordered by the Court, Facebook will produce each document in response to the Requests in a form in which it is ordinarily maintained or in a reasonably usable form. Further, Facebook reserves its right to

only produce one copy of any document responsive to a document request.

6. The provision of a response to any of these Requests does not constitute a waiver of any objection regarding the use of said response in these proceedings. Facebook reserves all objections or other questions as to competency, relevance, materiality, privilege or admissibility as evidence in any subsequent proceeding in or trial of this or any other action for any purpose whatsoever of Facebook's responses herein and any information, document or thing identified or produced in response to the Requests.

7. Facebook reserves the right to object on any grounds at any time to such other or supplemental requests for production as Plaintiff may at any time propound involving or relating to the subject matter of these Requests.

## **II. GENERAL OBJECTIONS.**

Whether or not separately set forth in response to each Request, Facebook makes the following General Objections to each and every Definition, Instruction, and Request made in Plaintiff's First Set of Document Requests.

1. Facebook objects generally to all Requests to the extent they purport to seek documents reflecting activities, such as the use of the term "timeline" in connection with a feature of Facebook's new user interface, that occurs, may occur, or has occurred outside of the United States, on the grounds that such Requests seek discovery not relevant or reasonably calculated to lead to the discovery of admissible evidence, are overbroad and unduly burdensome, and would subject Facebook to unreasonable annoyance and oppression. Subject to its General Objections and Responses and its specific objections and responses below, Facebook will produce responsive, non-privileged documents reflecting activities within the United States only.

2. Facebook objects generally to all Definitions, Instructions, and Requests

inclusive, insofar as any such Request seeks information or production of documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity. Such information or documents shall not be produced in response to the Requests. Any inadvertent disclosure or production thereof shall not be deemed a waiver of any privilege or right with respect to such information or documents or of any work product immunity that may attach thereto.

3. Facebook objects generally to all Definitions, Instructions, and Requests inclusive, to the extent they purport to enlarge, expand, or alter in any way the plain meaning and scope of any specific Request on the ground that such enlargement, expansion, or alteration renders said Request vague, ambiguous, unintelligible, unduly broad, and uncertain.

4. Facebook objects generally to all Definitions, Instructions, and Requests inclusive, to the extent they seek documents not currently in Facebook's possession, custody or control, or refer to persons, entities or events not known to Facebook, on the grounds that such Definitions, Instructions, or Requests seek to require more of Facebook than any obligation imposed by law, would subject Facebook to unreasonable and undue annoyance, oppression, burden, and expense, and would seek to impose upon Facebook an obligation to investigate or discover information or materials from third parties or services who are equally or more readily accessible to Plaintiff.

5. Facebook objects generally to all Definitions, Instructions, and Requests inclusive, to the extent that they seek unilaterally to impose an obligation to provide information greater than that required by the Federal Rules of Civil Procedure, the Local Rules of the United States District Court for the Northern District of Illinois, or any order in this matter.

6. Facebook objects generally to all Definitions, Instructions, and Requests

inclusive, insofar as each such Request seeks electronically stored information that is not reasonably accessible to Facebook because of undue burden or costs (e.g., documents stored on systems for archival or disaster recovery purposes, data residing in hardware buffer memories, deleted files that have not been fully overwritten, replica data resulting from automatic back-up functions, etc.).

7. Facebook objects generally to all Definitions, Instructions, and Requests inclusive, insofar as each such Request seeks information protected from disclosure pursuant to Federal Rule of Evidence 501. Such information shall not be produced in response to the Requests and any inadvertent production thereof shall not be deemed a waiver of any privilege with respect to such information.

8. Facebook objects generally to Plaintiff's attempt to impose unilaterally a date, time, and place for producing or making available documents, if any, responsive to the Requests. Facebook cannot practicably locate, review, and produce the non-privileged documents responsive to the Requests by March 19, 2012. Accordingly, Facebook will produce non-privileged, responsive documents on a rolling basis as expeditiously as possible.

9. Facebook objects generally to all Definitions, Instructions, and Requests inclusive, insofar as each Request seeks information that is not reasonably calculated to lead to the discovery of admissible evidence that is relevant to proving one or more of the parties' claims or defenses, as provided by Federal Rule of Civil Procedure 26(b)(1) and Federal Rules of Evidence 401 and 402. Facebook objects on the grounds that said demands are overly broad, and would subject Facebook to undue annoyance, oppression, burden, and expense. Such information shall not be produced in response to the Requests.

10. Facebook objects generally to Definition No. 1, which define the terms

“Defendant,” “Facebook”, and “you,” as vague, ambiguous, overbroad, and unduly burdensome. In particular, Facebook objects generally to the extent the defined terms include: (a) divisions of Facebook that were not involved with the subject matter at issue; (b) subsidiaries, affiliates, or predecessors in interest that are different juristic entities than Facebook; or (c) individuals outside the scope of permissible discovery. In the context of these Requests, Facebook construes the terms “Defendant,” “Facebook,” and “you” to mean Facebook, Inc. and its officers, directors, and employees when such persons are expressly acting on Facebook’s behalf with respect to the subject matter at issue.

11. Facebook objects generally to Definition No. 4, which defines the term “Facebook Timeline,” as seeking information that is neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence to the extent the term may be interpreted to encompass more than the “timeline” feature of Facebook’s new user interface.

12. Facebook objects generally to all Definitions, Instructions, and Requests in which the terms “refer,” “referring,” “relate,” “relating to,” “concerning,” “evidence,” “reflect,” “containing,” “pertaining,” “indicating,” “showing,” “constituting,” “describing,” “discussing,” or “pertaining,” or similar phrases appears. These terms are overly broad, vague, ambiguous, and unintelligible, require subjective judgment on the part of Facebook and its counsel, and would require a conclusion or opinion of counsel in violation of the attorney work product doctrine. Without waiving this objection, and subject to all other applicable responses, objections, or privileges stated herein, in response to any Request that contains such terms, Facebook will produce such documents, to the extent they exist, that expressly refer or reflect on their face to information relevant to the specified subject.

13. Facebook objects generally to Definition Nos. 6, 7, and 17, which define the

terms “communication,” “writing,” and “document(s),” to the extent the definitions attempt or purport to impose discovery obligations on Facebook beyond those authorized by the Federal Rules of Civil Procedure and the Local Rules of the U.S. District Court for the Northern District of Illinois.

14. Facebook objects generally to Definition Nos. 12, 13, 14, 15, 16, and 18, which define the terms “identify,” “identification,” and “describe in detail,” to the extent the definitions attempt or purport to impose discovery obligations on Facebook beyond those authorized by the Federal Rules of Civil Procedure and the Local Rules of the U.S. District Court for the Northern District of Illinois.

15. Facebook objects generally to Instruction No. 7 to the extent it seeks to require Facebook to identify anything other than the specific claim or privilege or work product being made and the basis for such claim, on the ground that the additional information sought by Plaintiff would subject Facebook to unreasonable and undue annoyance, oppression, burden, and expense, and constitutes information protected from discovery by privilege and as work product. Further, as previously agreed to by the parties and memorialized in the parties’ Joint Initial Status Report, Facebook will exclude the following from any privilege log that it produces: (a) any documents created on or after the date Plaintiff filed its complaint, and (b) communications between Facebook and its outside counsel for this action. In addition, pursuant to the parties’ agreement, where an email chain is at issue, the listing on the log will indicate that the document is an email chain, describe the last communication in the email chain, and identify all correspondents on each privileged email in the chain.



### **III. SPECIFIC OBJECTIONS & RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS.**

Without waiving or limiting in any manner any of the foregoing General Responses or Objections, but rather incorporating them into each of the following responses to the extent applicable, Facebook responds to the specific Requests as follows:

#### **REQUEST NO. 1:**

Any and all documents referring, relating to, or concerning Facebook's choice to use the term "Timeline" for its new service or within its provision or sale of goods and services to the public.

#### **RESPONSE TO REQUEST NO. 1:**

In addition to the General Objections, including the objections to the definitions of the terms "referring," "relating to," and "concerning," Facebook objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook further objects to this Request to the extent it is duplicative of other Requests, including without limitation Request No. 2.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control relating to its adoption and use of the term "timeline" to identify and describe a feature of its new user interface.

#### **REQUEST NO. 2:**

Any and all documents referring, relating to or concerning the benefits or business advantages Facebook obtains by using the term "Timeline" for its new service or within its provision or sale of goods and services to the public.

**RESPONSE TO REQUEST NO. 2:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to the phrase “benefits or business advantages” on the ground that the phrase is overly broad, vague, and ambiguous. Facebook further objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook further objects to this Request to the extent it is duplicative of other Requests, including without limitation Request No. 1.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control relating to its adoption and use of the term “timeline” to identify and describe a feature of its new user interface.

**REQUEST NO. 3:**

Any and all documents referring, relating to, or concerning any terms Facebook considered using for Facebook Timeline and its new service related to users’ profile pages other than the term “Timeline.”

**RESPONSE TO REQUEST NO. 3:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” “concerning,” and “Facebook Timeline,” Facebook objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor

calculated to lead to the discovery of admissible evidence. Facebook further objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook also objects to this Request to the extent it is duplicative of other Requests, including without limitation Request Nos. 1 and 2.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control relating to its adoption and use of the term “timeline” to identify and describe a feature of its new user interface.

**REQUEST NO. 4:**

Any and all documents referring, relating to, or concerning communications between people or entities within Facebook regarding the marketing or advertising of Facebook Timeline.

**RESPONSE TO REQUEST NO. 4:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” “concerning,” and “Facebook Timeline,” Facebook objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook further objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook further objects to this Request to the extent it is duplicative of other Requests, including without limitation Request No. 5.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control relating to its efforts to promote and market the “timeline” feature of its new user interface.

**REQUEST NO. 5:**

Any and all documents referring, relating to, or concerning communications between people or entities within Facebook regarding plans, proposals, or ideas, whether accepted or not or implemented or not, for the marketing or advertising of Facebook Timeline.

**RESPONSE TO REQUEST NO. 5:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” “concerning,” and “Facebook Timeline,” Facebook objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook further objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook further objects to this Request to the extent it is duplicative of other Requests, including without limitation Request No. 4.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its

possession, custody or control relating to its efforts to promote and market the “timeline” feature of its new user interface.

**REQUEST NO. 6:**

Any and all documents referring, relating to, or concerning communications between Facebook and any third-parties, including without limitation third-party advertising or marketing firms, regarding the marketing or advertising of Facebook Timeline.

**RESPONSE TO REQUEST NO. 6:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” “concerning,” and “Facebook Timeline,” Facebook objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook further objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook further objects to this Request to the extent it is duplicative of other Requests, including without limitation Request No. 7.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control relating to its efforts to promote and market the “timeline” feature of its new user interface.

**REQUEST NO. 7:**

Any and all documents referring, relating to, or concerning communications between Facebook and any third-parties, including without limitation third-party advertising or marketing firms, regarding plans, proposals, or ideas, whether accepted or not or implemented or not, for the marketing or advertising of Facebook Timeline.

**RESPONSE TO REQUEST NO. 7:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” “concerning,” and “Facebook Timeline,” Facebook objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook further objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook further objects to this Request to the extent it is duplicative of other Requests, including without limitation Request No. 6.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control relating to its efforts to promote and market the “timeline” feature of its new user interface.

**REQUEST NO. 8:**

Any and all documents referring, relating to, or concerning Facebook’s design or choice of any fonts, logos, or designs related to Facebook Timeline.

**RESPONSE TO REQUEST NO. 8:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” “concerning,” and “Facebook Timeline,” Facebook objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook further objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook further objects to this Request to the extent it is duplicative of other Requests, including without limitation Request No. 9.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control relating to its adoption and use of the term “timeline” to identify and describe a feature of its new user interface.

**REQUEST NO. 9:**

Any and all documents referring, relating to, or concerning any fonts, logos, or designs Facebook has ever had or considered for Facebook Timeline.

**RESPONSE TO REQUEST NO. 9:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” “concerning,” and “Facebook Timeline,” Facebook objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook further objects to this Request to the extent that it seeks information that is neither relevant to

this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook further objects to this Request to the extent it is duplicative of other Requests, including without limitation Request No. 8.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control relating to its adoption and use of the term “timeline” to identify and describe a feature of its new user interface.

**REQUEST NO. 10:**

Any and all documents referring, relating to, or concerning any ways in which Facebook has used or has considered using metatags, keywords, Internet banner ads, keyword search ads or ads on third-party web sites or search engines to increase the visibility or recognition of Facebook Timeline.

**RESPONSE TO REQUEST NO. 10:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” “concerning,” and “Facebook Timeline,” Facebook objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook further objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise.



Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control relating to its efforts to promote and market the “timeline” feature of its new user interface.

**REQUEST NO. 11:**

Any and all documents referring, relating to, or concerning Timelines, Inc. and/or Timelines.com.

**RESPONSE TO REQUEST NO. 11:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook further objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook also objects to this Request to the extent it seeks documents in the possession, custody, or control of Plaintiff.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged relevant documents in its possession, custody or control referring to Timelines, Inc. or Timelines.com.

**REQUEST NO. 12:**

Any and all documents referring, relating to, or concerning any trademark applications ever filed by Facebook.

**RESPONSE TO REQUEST NO. 12:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook further objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook also objects to this Request to the extent that it seeks information reflecting activities that occur outside of the United States. Facebook also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise.

**REQUEST NO. 13:**

Any and all documents referring, relating to, or concerning any policing or enforcing of trademarks that Facebook has done or requests that Facebook has made of third-parties to stop using any brand name, trademark, or term.

**RESPONSE TO REQUEST NO. 13:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook further objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise.

Subject to and without waiving these objections or the General Responses and Objections stated above, Facebook responds that it does not allege trademark rights in the term “timeline” as used in connection with a feature of its new user interface.

**REQUEST NO. 14:**

Any and all documents referring, relating to, or concerning any intellectual property lawsuits or arbitrations initiated by Facebook, including without limitation disputes over trademark, copyright, trade secret and domain name issues.

**RESPONSE TO REQUEST NO. 14:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook further objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise.

Subject to and without waiving these objections or the General Responses and Objections stated above, Facebook responds that it does not allege trademark rights in the term “timeline” as used in connection with a feature of its new user interface.

**REQUEST NO. 15:**

Any and all documents referring, relating to, or concerning any intellectual property lawsuits or arbitrations initiated by a third-party against Facebook, including without limitation disputes over trademark, copyright, trade secret and domain name issues.

**RESPONSE TO REQUEST NO. 15:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook further objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise.

Subject to and without waiving these objections or the General Responses and Objections stated above, Facebook responds that, other than this litigation, Facebook is not aware of any lawsuits or arbitrations initiated by a third party against Facebook relating to Facebook’s use of the term “timeline” in connection with a feature of its new user interface.

**REQUEST NO. 16:**

Any and all documents referring, relating to, or concerning any cease and desist letters or other communications sent to Facebook by third-parties other than Timelines requesting or demanding that Facebook stop using any term, trademark or brand name.

**RESPONSE TO REQUEST NO. 16:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook further objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook also objects to this Request to the

extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control relating to third party demands for Facebook to cease its use of the term “timeline” in connection with a feature of its new user interface.

**REQUEST NO. 17:**

Any and all documents referring, relating to, or concerning any cease and desist letters or other communications sent by Facebook to third-parties requesting or demanding that the third-party stop using any term, trademark or brand name.

**RESPONSE TO REQUEST NO. 17:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook further objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise.

Subject to and without waiving these objections or the General Responses and Objections stated above, Facebook responds that it does not allege trademark rights in the term “timeline” as used in connection with a feature of its new user interface.

**REQUEST NO. 18:**

Any and all documents referring, relating to, or concerning any agreements or licenses Facebook has entered into to use a term, trademark, or brand name.

**RESPONSE TO REQUEST NO. 18:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook further objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise.

Subject to and without waiving these objections or the General Responses and Objections stated above, Facebook responds that it has not entered into any agreements regarding the use of the term “timeline” as a trademark.

**REQUEST NO. 19:**

Any and all documents referring, relating to, or concerning any licenses that Facebook has given to third-parties so that the third-party could use a term, trademark or brand name.

**RESPONSE TO REQUEST NO. 19:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook further objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook also objects to this Request to the

extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise.

Subject to and without waiving these objections or the General Responses and Objections stated above, Facebook responds that it has not entered into any agreements regarding the use of the term “timeline” as a trademark.

**REQUEST NO. 20:**

Any and all documents referring, relating to, or concerning any disputes that Facebook has had with any third-party regarding Facebook’s use of the term “Timeline.”

**RESPONSE TO REQUEST NO. 20:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control relating to any disputes, other than this litigation, that Facebook has had with a third party regarding Facebook’s use of the term “timeline” in connection with a feature of its new user interface.

**REQUEST NO. 21:**

Any and all documents referring, relating to, or concerning Facebook's revenues in dollars on a total and/or year-by-year basis since Facebook started using the term Timeline in reference to or concerning any Facebook good, product, or offering.

**RESPONSE TO REQUEST NO. 21:**

In addition to the General Objections, including the objections to the definitions of the terms "referring," "relating to," and "concerning," Facebook objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook further objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook also objects to this Request on the ground that it is better asked as an interrogatory.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will produce documents sufficient to show the total revenue that Facebook has generated as a result of the "timeline" feature of its new user interface, to the extent such information can be calculated.

**REQUEST NO. 22:**

Any and all documents referring, relating to, or concerning Facebook's revenues in dollars on a total and/or year-by-year basis since Facebook announced Facebook Timeline at the 2011 f8 Conference in September.

**RESPONSE TO REQUEST NO. 22:**

In addition to the General Objections, including the objections to the definitions of the terms "referring," "relating to," and "concerning," Facebook objects to this Request to the extent



that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook further objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook also objects to this Request on the ground that it is better asked as an interrogatory. Facebook objects to this Request to the extent that it is duplicative of Request No. 21.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will produce documents sufficient to show the total revenue that Facebook has generated as a result of the “timeline” feature of its new user interface, to the extent such information can be calculated.

**REQUEST NO. 23:**

Any and all documents referring, relating to, or concerning Facebook’s expenses in dollars on a total and/or year-by-year basis since Facebook started using the term Timeline in reference to or concerning any Facebook good, product, or offering.

**RESPONSE TO REQUEST NO. 23:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook further objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook also objects to this Request on the ground that it is better asked as an interrogatory.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will

produce documents sufficient to show expenditures made by Facebook in connection with the “timeline” feature of its new user interface, to the extent such information can be calculated.

**REQUEST NO. 24:**

Any and all documents referring, relating to, or concerning Facebook’s expenses in dollars on a total and/or year-by-year basis since Facebook announced Facebook Timeline at the 2011 f8 Conference in September.

**RESPONSE TO REQUEST NO. 24:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook further objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook also objects to this Request on the ground that it is better asked as an interrogatory. Facebook objects to this Request to the extent that it is duplicative of Request No. 23.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will produce documents sufficient to show expenditures made by Facebook in connection with the “timeline” feature of its new user interface, to the extent such information can be calculated.

**REQUEST NO. 25:**

Any and all documents referring, relating to, or concerning Facebook’s profits in dollars on a total and/or year-by-year basis since Facebook started using the term Timeline in reference to or concerning any Facebook good, product, or offering.

**RESPONSE TO REQUEST NO. 25:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook further objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook also objects to this Request on the ground that it is better asked as an interrogatory. Facebook objects to this Request to the extent that it is duplicative of other Requests, including without limitation Request Nos. 21, 22, 23, and 24.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will produce documents sufficient to show the total profits generated by Facebook as a result of the “timeline” feature of its new user interface, to the extent such information can be calculated.

**REQUEST NO. 26:**

Any and all documents referring, relating to, or concerning Facebook’s profits in dollars on a total and/or year-by-year basis since Facebook announced Facebook Timeline at the 2011 f8 Conference in September.

**RESPONSE TO REQUEST NO. 26:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook further objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook also objects to this Request on the

ground that it is better asked as an interrogatory. Facebook objects to this Request to the extent that it is duplicative of other Requests, including without limitation Request Nos. 21, 22, 23, 24, and 25.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will produce documents sufficient to show the total profits generated by Facebook as a result of the “timeline” feature of its new user interface, to the extent such information can be calculated.

**REQUEST NO. 27:**

Documents sufficient to show Facebook’s revenues, expenses, and profits in the years 2008, 2009, 2010, and 2011.

**RESPONSE TO REQUEST NO. 27:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook further objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook also objects to this Request on the ground that it is better asked as an interrogatory. Facebook objects to this Request to the extent that it is duplicative of other Requests, including without limitation Request Nos. 21, 22, 23, 24, 25, and 26.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will produce documents sufficient to show the total revenues, expenditures, and profits generated by

Facebook as a result of the “timeline” feature of its new user interface, to the extent such information can be calculated.

**REQUEST NO. 28:**

Any and all documents referring, relating to, or concerning Facebook’s advertising and marketing expenses in dollars on a total and/or year-by-year basis for the past four years.

**RESPONSE TO REQUEST NO. 28:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook further objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook also objects to this Request on the ground that it is better asked as an interrogatory. Facebook objects to this Request to the extent that it is duplicative of other Requests, including without limitation Request Nos. 23 and 24.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will produce documents sufficient to show expenditures made by Facebook to promote the “timeline” feature of its new user interface, to the extent such information can be calculated.

**REQUEST NO. 29:**

Any and all documents referring, relating to, or concerning Facebook’s advertising and marketing expenses since Facebook chose to use the term Timeline in its business as part of Facebook Timeline.

**RESPONSE TO REQUEST NO. 29:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook further objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook also objects to this Request on the ground that it is better asked as an interrogatory. Facebook objects to this Request to the extent that it is duplicative of other Requests, including without limitation Request Nos. 23 and 24.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will produce documents sufficient to show expenditures made by Facebook to promote the “timeline” feature of its new user interface, to the extent such information can be calculated.

**REQUEST NO. 30:**

Any and all documents referring, relating to, or concerning legal opinions that Facebook will rely upon in this case in an attempt to avoid a finding of willfulness or in an attempt to reduce the damages in this case.

**RESPONSE TO REQUEST NO. 30:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will

conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control relating to its adoption and use of the term “timeline” to identify and describe a feature of its new user interface.

**REQUEST NO. 31:**

Any and all documents referring, relating to, or concerning any surveys or studies Facebook has ever done related to whether or not the term “Timelines” [sic] or “Timelines” is generic or descriptive.

**RESPONSE TO REQUEST NO. 31:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook further objects to this Request to the extent that it seeks expert discovery prior to the applicable expert disclosure deadlines. Facebook also objects that the terms “surveys” and “studies” are vague and ambiguous.

Subject to and without waiving these objections or the General Responses and Objections stated above, Facebook responds that it has not conducted any formal studies or surveys regarding the generic or descriptive nature of the terms “timeline” or “timelines.”

**REQUEST NO. 32:**

Any and all documents referring, relating to, or concerning any expert reports that Facebook has done, ordered or commissioned for this case.

**RESPONSE TO REQUEST NO. 32:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request to the extent

it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook further objects to this Request to the extent that it seeks expert discovery prior to the applicable expert disclosure deadlines.

**REQUEST NO. 33:**

Any and all documents referring, relating to, or concerning any drafts of expert reports that Facebook has done, ordered or commissioned for this case.

**RESPONSE TO REQUEST NO. 33:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook further objects to this Request to the extent that it seeks expert discovery prior to the applicable expert disclosure deadlines. Facebook also objects to this Request to the extent it is duplicative of other Requests, including without limitation Request No. 32.

**REQUEST NO. 34:**

To the extent not covered by other document requests, any and all documents referring, relating to, or concerning any report, study or survey that Facebook has done, ordered or commissioned regarding the term “Timeline” or “Timelines,” including without limitation reports, studies or surveys about the trademarkability or genericness of those terms, the secondary meaning associated with those terms, and the likelihood of confusion among consumers between Timelines, Inc. and Facebook due to the two companies’ uses of those or similar terms.



**RESPONSE TO REQUEST NO. 34:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook further objects to this Request to the extent that it seeks expert discovery prior to the applicable expert disclosure deadlines. Facebook also objects that the terms “done,” “report,” “study,” or “survey” are vague and ambiguous. Facebook further objects to this Request to the extent it is duplicative of other Requests, including without limitation Request No. 31. •

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook responds that it has not conducted or commissioned any formal reports, studies, or surveys regarding the terms “timeline” or “timelines.”

**REQUEST NO. 35:**

Any and all documents referring, relating to, or concerning the ways in which Facebook markets or promotes its goods and services, including without limitation any marketing plans related in any way to Facebook Timeline.

**RESPONSE TO REQUEST NO. 35:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” “concerning,” and “Facebook Timeline,” Facebook objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook further objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook also

objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook further objects to this Request to the extent it is duplicative of other Requests, including without limitation Request Nos. 4 and 5.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control relating to its efforts to market and promote the “timeline” feature of its new user interface.

**REQUEST NO. 36:**

Any and all documents referring, relating to, or concerning the ways in which Facebook’s revenues, expenses, or profits would be affected by Facebook Timeline, including without limitation the impressions, opinions, or plans of Facebook, any employee of Facebook, or any third-party hired by or affiliated with Facebook.

**RESPONSE TO REQUEST NO. 36:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook further objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook objects to this Request to the extent that it is duplicative of other Requests, including without limitation Request Nos. 21, 22, 23, 24, 25, 26, 27, 28, and 29.

Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control relating to its adoption and use of the term “timeline” to identify and describe a feature of its new user interface.

**REQUEST NO. 37:**

Any and all documents referring, relating to, concerning or summarizing all of the goods and services for which Facebook uses the terms “Timeline” or “Timelines.”

**RESPONSE TO REQUEST NO. 37:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control sufficient to describe the “timeline” feature of its new user interface.

**REQUEST NO. 38:**

Any and all documents referring, relating to, concerning, or summarizing a list of all of the states and countries to which Facebook sells or provides its goods and services.

**RESPONSE TO REQUEST NO. 38:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook further objects to this Request on the ground that it is better asked as an interrogatory. Facebook also objects to this

Request to the extent that it seeks information reflecting activities that occur outside of the United States; such information is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook will only provide information relating to the use of the term “timeline” in the United States in connection with a feature of its new user interface.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control sufficient to show the U.S. states in which Facebook users use the “timeline” feature.

**REQUEST NO. 39:**

Any and all documents referring, relating to, or concerning any legal proceeding (actual, contemplated or threatened) involving Facebook and any other person or entity concerning the alleged unauthorized use of a trademark.

**RESPONSE TO REQUEST NO. 39:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook further objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook further objects to this Request to the extent it is duplicative of other Requests, including without limitation Request Nos. 12, 13, 14, 15, 16, 17, and 20.

Subject to and without waiving these objections or the General Responses and Objections stated above, Facebook responds that it does not allege trademark rights in the term “timeline” as used in connection with a feature of its new user interface.

**REQUEST NO. 40:**

Any and all documents referring, relating to, or concerning Facebook’s first use of the term “Timeline” or “Timelines” for each different good or service of Facebook upon which the mark or term is used, including without limitation documents showing the date of such first uses.

**RESPONSE TO REQUEST NO. 40:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook further objects to this Request on the ground that it is better asked as an interrogatory.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control sufficient to show the date on which Facebook first used the term “timeline” in the United States to identify and describe a feature of its new user interface.

**REQUEST NO. 41:**

Representative documents and things that describe each good or service ever advertised, provided, offered for sale, or sold in the United States by Facebook or its agents using the term or mark “Timeline” or “Timelines.”

**RESPONSE TO REQUEST NO. 41:**

In addition to the General Objections, Facebook objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook further objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook also objects to this Request to the extent it is duplicative of other Requests, including without limitation Request No. 37.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control sufficient to describe the “timeline” feature of its new user interface.

**REQUEST NO. 42:**

Any and all documents referring, relating to, or concerning trademark searching, trademark clearance, approval or evaluation of the term “Timeline,” “Timelines,” or variations thereof.

**RESPONSE TO REQUEST NO. 42:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook further objects to this Request to the extent it is duplicative of other Requests, including without limitation Request Nos. 1, 2, 30, 31, 32, 33, and 34.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control relating to its adoption and use of the term “timeline” to identify and describe a feature of its new user interface.

**REQUEST NO. 43:**

Any and all documents referring, relating to, or concerning Facebook’s strategies to generate sales of any type through promotion (advertising or marketing) of Facebook Timeline, or any goods or services using the term “Timeline” or “Timelines.”

**RESPONSE TO REQUEST NO. 43:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” “concerning,” and “Facebook Timeline,” Facebook objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook further objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook further objects to this Request to the extent it is duplicative of other Requests, including without limitation Request Nos. 4, 5, 35, and 36.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its

possession, custody or control relating to its efforts to promote the “timeline” feature of its new user interface.

**REQUEST NO. 44:**

Representative samples of all promotional (e.g., including, but not limited to, advertising or marketing) materials in which Facebook uses the term “Timeline” or “Timelines.”

**RESPONSE TO REQUEST NO. 44:**

In addition to the General Objections, Facebook objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook further objects to this Request to the extent it is duplicative of other Requests, including without limitation Request Nos. 4, 5, 6, 7, 8, 9, and 41.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control representative samples of promotional materials in which Facebook uses the term “timeline” to identify and describe a feature of its new user interface.

**REQUEST NO. 45:**

Representative samples of all web pages on which Facebook uses or has ever used the term “Timeline” or “Timelines.”

**RESPONSE TO REQUEST NO. 45:**

In addition to the General Objections, Facebook objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook further objects to this Request to the extent it is



duplicative of other Requests, including without limitation Request Nos. 4, 5, 6, 7, 8, 9, 41, and 44.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control representative samples of web pages in which Facebook uses the term “timeline” to identify and describe a feature of its new user interface.

**REQUEST NO. 46:**

Any and all documents referring, relating to, or concerning any communications between Facebook and any customer, business partner or Facebook users that reference the term “Timelines” or “Timeline” whether the communication was from Facebook or to Facebook.

**RESPONSE TO REQUEST NO. 46:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook further objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control relating to its efforts to promote and market the “timeline” feature of its new user interface.

**REQUEST NO. 47:**

Any and all documents referring, relating to, or concerning any communications from or with customers or Facebook users where the communication had any information from which Facebook was able to determine that the consumer believed he or she was contacting or meant to contact Timelines, Inc.

**RESPONSE TO REQUEST NO. 47:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control responsive to this Request. Facebook currently believes that no such documents exist.

**REQUEST NO. 48:**

Any and all documents referring, relating to, or concerning any communications between Facebook and any customer, business partner, or Facebook users that mention or refer to Timelines, Inc., whether the communication was from Facebook or to Facebook.

**RESPONSE TO REQUEST NO. 48:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request to the extent

that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook further objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook further objects to this Request to the extent it is duplicative of other Requests, including without limitation Request No. 11.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged relevant communications in its possession, custody or control that refer to Timelines, Inc.

**REQUEST NO. 49:**

Any and all documents referring, relating to, or concerning any communications from or with customers or Facebook users who were confused into thinking that Facebook was Timelines, Inc., that Timelines, Inc. was Facebook or that the two companies were affiliated in some way or that one was licensed or sponsored by the other.

**RESPONSE TO REQUEST NO. 49:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its

possession, custody or control responsive to this Request. Facebook currently believes that no such documents exist.

**REQUEST NO. 50:**

For each media type (such as mailings, web site information, advertisements, presentations, etc.) in which the term “Timelines” or “Timeline” is used, representative samples of documents and things that depict or use any of those terms, including, but not limited to, advertisements, promotional materials, publications, displays, tags, stickers, stamps, signs brochures, procedures, manuals, web pages and the like.

**RESPONSE TO REQUEST NO. 50:**

In addition to the General Objections, Facebook objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook further objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook further objects to this Request to the extent it is duplicative of other Requests, including without limitation Request Nos. 41, 44, and 45.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control representative samples of promotional materials in which Facebook uses the term “timeline” to identify and describe a feature of its new user interface.

**REQUEST NO. 51:**

Any and all documents referring, relating to, or concerning any communication between Facebook and any other person, whether internally or a third-party, about Timelines, Inc. or the subject matter of this proceeding.

**RESPONSE TO REQUEST NO. 51:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook further objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook further objects to this Request to the extent it is duplicative of other Requests, including without limitation Request Nos. 11, 46, 47, 48, and 49.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control relating to Timelines, Inc. and this litigation.

**REQUEST NO. 52:**

Any and all documents referring, relating to, or concerning any claim by any third-party that one of Facebook’s trademarks was generic or descriptive, including all documents, whether internal or sent outside Facebook, related to Facebook’s responses to such claims or challenges.

**RESPONSE TO REQUEST NO. 52:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request to the extent

that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook further objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook also objects to this Request on the grounds that it is overbroad, unduly burdensome, harassing, and oppressive. Facebook further objects to this Request to the extent it is duplicative of other Requests, including without limitation Request Nos. 12, 14, 15, 16, and 39.

Subject to and without waiving these objections or the General Responses and Objections stated above, Facebook responds that it does not allege trademark rights in the term “timeline” as used in connection with a feature of its new user interface.

**REQUEST NO. 53:**

Any and all documents referring, relating to, or concerning Facebook’s announcement of Facebook Timeline at the 2011 f8 Conference, including without limitation internal memoranda and communications regarding the content and presentation of that announcement.

**RESPONSE TO REQUEST NO. 53:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” “concerning,” and “Facebook Timeline,” Facebook objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook further objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control relating to its efforts to promote and market the “timeline” feature of its new user interface, including at the 2011 f8 Conference.

**REQUEST NO. 54:**

Any and all documents referring, relating to, or concerning any communications or memoranda regarding how Facebook, employees of Facebook, and/or third-parties should use the term “Timeline” or “Timelines” when referring to Facebook Timeline, whether in presentations, on the Facebook website, in writing, verbally, or otherwise.

**RESPONSE TO REQUEST NO. 54:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook further objects to this Request on the grounds that it is overbroad, unduly burdensome and oppressive.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control relating to the use of the term “timeline” to identify and describe a feature of Facebook’s new user interface.

**REQUEST NO. 55:**

Any and all documents referring, relating to, or concerning any communications or memoranda regarding how Facebook, employees of Facebook, and/or third parties should use the term “Timeline” or “Timelines” when referring to Facebook Timeline grammatically, including without limitation whether it should be capitalized, used as a verb or a noun, used to identify a product as opposed to generically, or otherwise.

**RESPONSE TO REQUEST NO. 55:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook further objects to this Request on the grounds that it is overbroad, unduly burdensome, and oppressive. Facebook also objects to this Request to the extent it is duplicative of other Requests, including without limitation Request No. 53 and 54.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control relating to the use of the term “timeline” to identify and describe a feature of Facebook’s new user interface.

**REQUEST NO. 56:**

Any and all documents referring, relating to, or concerning any communication between Facebook and any other person, whether internally or a third-party, about Timelines, Inc. or the subject matter of this proceeding.



**RESPONSE TO REQUEST NO. 56:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook further objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook further objects to this Request to the extent it is duplicative of other Requests, including without limitation Request Nos. 11, 46, 47, 48, 49, and 51.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged relevant documents in its possession, custody or control that refer to Timelines, Inc. and this litigation.

**REQUEST NO. 57:**

Any and all documents referring, relating to, or concerning any instructions or advice given to Mark Zuckerberg about how to refer to Facebook Timeline in his presentation at the 2011 f8 Conference.

**RESPONSE TO REQUEST NO. 57:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” “concerning,” and “Facebook Timeline,” Facebook objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook further objects to this Request on the grounds that it is overbroad, unduly burdensome, and oppressive. Facebook

also objects to this Request to the extent it is duplicative of other Requests, including without limitation Request No. 53, 54, and 55.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control relating to the use of the term “timeline” to identify and describe a feature of Facebook’s new user interface at the 2011 f8 Conference.

**REQUEST NO. 58:**

A copy of the video presentation used during Mark Zuckerberg’s announcement of Facebook Timeline at the 2011 f8 Conference as well as a copy of all drafts and versions of that video presentation.

**RESPONSE TO REQUEST NO. 58:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” “concerning,” and “Facebook Timeline,” Facebook objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook further objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook further objects to this Request to the extent it is duplicative of other Requests, including without limitation Request No. 53.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will

conduct a reasonable search for and produce a copy of the video presentation at the 2011 f8 Conference, to the extent a copy exists and is not equally available to Plaintiff, as well as non-privileged documents in its possession, custody or control relating to its efforts to promote and market the “timeline” feature of its new user interface within the video presentation.

**REQUEST NO. 59:**

A copy of the speech used during Mark Zuckerberg’s announcement of Facebook Timeline at the 2011 f8 Conference, including without limitation a verbatim copy of what words were put on any Teleprompter used by Mr. Zuckerberg during that announcement, as well as a copy of all drafts and versions of that speech.

**RESPONSE TO REQUEST NO. 59:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” “concerning,” and “Facebook Timeline,” Facebook objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook further objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook further objects to this Request to the extent it is duplicative of other Requests, including without limitation Request Nos. 53 and 58.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce a copy of the public announcement of the “timeline” feature of its new user interface at the 2011 f8 conference, to the extent a copy exists

and is not equally available to Plaintiff, as well as non-privileged documents in its possession, custody or control relating to its efforts to promote and market the “timeline” feature of its new user interface within the announcement.

**REQUEST NO. 60:**

A copy of all internal presentations created to introduce Facebook employees (and independent contractors, outside developers and any third parties used by Facebook) or inform them about the release of Facebook Timeline, how Facebook Timeline would look, or to educate them about how to use Facebook Timeline.

**RESPONSE TO REQUEST NO. 60:**

Facebook objects to this Request on the grounds that it is vague and ambiguous as to the meaning of the term “Facebook Timeline.” Facebook further objects to this Request on the grounds that it is overbroad, unduly burdensome and oppressive. Facebook further objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook further objects to this Request as compound. Facebook further objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook further objects to this Request to the extent it is duplicative of other Requests, including without limitation Request Nos. 1, 2, 8, 9, 10, 53, 54, 55, and 57. Subject to and without waiving these objections or the General Responses and Objections stated above, and without waiving privilege, Facebook responds as follows:

Facebook will conduct a reasonable search for and produce, at a mutually agreeable time and place, non-privileged documents in its possession, custody or control, and, where necessary, pursuant to the terms of a stipulated Protective Order, relating to the selection and adoption of

the term “timeline” and the marketing or advertising of the “timeline” feature of Facebook’s new user interface.

**REQUEST NO. 61:**

A copy of all internal presentations created to introduce third-parties or Facebook users or inform them about the release of Facebook Timeline, how Facebook Timeline would look, or to educate them about how to use Facebook Timeline.

**RESPONSE TO REQUEST NO. 61:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” “concerning,” and “Facebook Timeline,” Facebook objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook further objects to this Request on the grounds that it is overbroad, unduly burdensome, and oppressive. Facebook also objects to this Request to the extent it is duplicative of other Requests, including without limitation Request No. 1, 2, 8, 9, 10, 53, 54, and 55.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control relating to the use of the term “timeline” to identify and describe a feature of Facebook’s new user interface.

**REQUEST NO. 62:**

A copy of all internal presentations created to inform Facebook employees (and independent contractors used by Facebook) about how to refer to Facebook Timeline or the terms “Timeline” or Timelines” either verbally, in writing, or otherwise.

**RESPONSE TO REQUEST NO. 62:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” “concerning,” and “Facebook Timeline,” Facebook objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook further objects to this Request on the grounds that it is overbroad, unduly burdensome, and oppressive. Facebook also objects to this Request to the extent it is duplicative of other Requests, including without limitation Request No. 1, 2, 8, 9, 10, 53, 54, 55, and 61.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control relating to the use of the term “timeline” to identify and describe a feature of Facebook’s new user interface.

**REQUEST NO. 63:**

Any and all documents, other than computer code, referring, relating to, or concerning the development of Facebook Timeline.

**RESPONSE TO REQUEST NO. 63:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook further objects to this Request to the extent it is

duplicative of other Requests, including without limitation Request Nos. 1, 2, 4, 5, 6, 7, 8, 9, 10, 34, 35, 37, 40, 41, 42, 44, 45, 50, 53, 54, 55, 57, 60, 61, and 62.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control relating to its adoption and use of the term “timeline” to identify and describe a feature of its new user interface.

**REQUEST NO. 64:**

Any and all documents concerning or constituting any agreement, contract or license Facebook has entered into concerning the term “Timeline.”

**RESPONSE TO REQUEST NO. 64:**

In addition to the General Objections, including the objections to the definitions of the terms “concerning” and “constituting,” Facebook objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook further objects to this Request to the extent that it is overbroad and seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook also objects to this Request to the extent it is duplicative of other Requests, including without limitation Request No. 18.

Subject to and without waiving these objections or the General Responses and Objections stated above, Facebook responds that it has not entered into any agreements, contracts, or licenses regarding the use of the term “timeline” as a trademark.

**REQUEST NO. 65:**

All documents sufficient to show the amounts that Facebook has spent marketing Facebook Timeline.

**RESPONSE TO REQUEST NO. 65:**

In addition to the General Objections, including the objection to the definition of the term “Facebook Timeline,” Facebook objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook further objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook also objects to this Request on the ground that it is better asked as an interrogatory. Facebook objects to this Request to the extent that it is duplicative of other Requests, including without limitation Request Nos. 4, 5, 6, 23, 24, 28 and 29.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will produce documents sufficient to show expenditures made by Facebook to promote the “timeline” feature of its new user interface, to the extent such information can be calculated.

**REQUEST NO. 66:**

Any and all documents concerning, referring to, or constituting legal opinions or legal advice Facebook intends to rely upon to defend against the Claims, including without limitation legal opinions or advice that Facebook intends to rely upon to say that Facebook is not committing trademark infringement through its use of the term “Timeline” or that Facebook has not acted in bad faith in its choosing of the term or use of the term “Timeline.”



**RESPONSE TO REQUEST NO. 66:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook further objects to this Request to the extent it is duplicative of other Requests, including without limitation Request No. 30.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control relating to its adoption and use of the term “timeline” to identify and describe a feature of its new user interface.

**REQUEST NO. 67:**

All documents sufficient to show Facebook’s corporate structure, including without limitation corporate organizational charts or employee organizational charts.

**RESPONSE TO REQUEST NO. 67:**

In addition to the General Objections, Facebook objects to this Request on the grounds that it is overbroad and unduly burdensome. Facebook further objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will

conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control sufficient to identify the employees most knowledgeable of the adoption and use of the term “timeline” to identify and describe a feature of its new user interface.

**REQUEST NO. 68:**

Any and all documents related to, concerning, or constituting communications by members of the public to Facebook wherein the member of the public believed (or the facts and circumstances would lead a reasonable person to understand that the member of the public believed) Facebook was affiliated in any way to Timelines.

**RESPONSE TO REQUEST NO. 68:**

In addition to the General Objections, including the objections to the definitions of the terms “related to,” “concerning,” and “constituting,” Facebook objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook further objects to this Request to the extent it is duplicative of other Requests, including without limitation Request Nos. 47 and 49.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control responsive to this Request. Facebook currently believes that no such documents exist.

**REQUEST NO. 69:**

Any and all documents related to, concerning, or constituting actual confusion by members of the public between Facebook and Timelines.

**RESPONSE TO REQUEST NO. 69:**

In addition to the General Objections, including the objections to the definitions of the terms “related to,” “concerning,” and “constituting,” Facebook objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook also objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook further objects to this Request to the extent it is duplicative of other Requests, including without limitation Request Nos. 47, 49 and 68.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control responsive to this Request. Facebook currently believes that no such documents exist.

**REQUEST NO. 70:**

All documents sufficient to show the number of people that are using Facebook Timeline.

**RESPONSE TO REQUEST NO. 70:**

In addition to the General Objections, including the objections to the definition of the term “Facebook Timeline,” Facebook objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook also objects to this Request to the extent it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of

admissible evidence, including but not limited to information reflecting activities that occur outside of the United States which are irrelevant. Facebook further objects to this Request on the ground that it is better asked as an interrogatory.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will conduct a reasonable search for and produce on a rolling basis non-privileged documents in its possession, custody or control sufficient to show the total number of users of the “timeline” feature of the new user interface in the U.S.

**REQUEST NO. 71:**

For each of the years and quarters from 2008 to the present, Facebook’s:

- (a) Income statements;
- (b) Balance sheets;
- (c) Cash flow statements;
- (d) Accounting notes;
- (e) Periodic reports, including, but not limited to, monthly, quarterly and annual financial statements and reports;
- (f) Profit and loss statements; and
- (g) Sales projections and forecasts.

**RESPONSE TO REQUEST NO. 71:**

In addition to the General Objections, Facebook objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence. Facebook further objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook objects to this Request to the extent

that it is duplicative of other Requests, including without limitation Request Nos. 21, 22, 23, 24, 25, 26, 27, 28, 29, and 36.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will produce documents sufficient to show the total revenues, expenditures, and profits generated by Facebook as a result of the “timeline” feature of its new user interface, to the extent such information can be calculated.

**REQUEST NO. 72:**

To the extent not covered elsewhere in these requests, any and all documents referring, relating to, or concerning any information that supports any of Facebook’s defenses, allegations, and counterclaims in the pleadings.

**RESPONSE TO REQUEST NO. 72:**

In addition to the General Objections, including the objections to the definitions of the terms “referring,” “relating to,” and “concerning,” Facebook objects to this Request on the ground that it is overbroad, unduly burdensome, and oppressive. Facebook further objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will produce documents responsive to this request to the extent such documents are not otherwise publicly available.

**REQUEST NO. 73:**

To the extent not produced in response to any other request, any and all documents and things identified in Facebook's responses to Plaintiff's First Set of Interrogatories or otherwise relied on as a source of responsive information to the Interrogatories.

**RESPONSE TO REQUEST NO. 73:**

In addition to the General Objections, Facebook further objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise.

Subject to and without waiving these objections or the General Responses and Objections stated above, and upon the entry of and subject to an appropriate protective order, Facebook will produce documents that it identifies in response to Plaintiff's First Set of Interrogatories to the extent such documents are not otherwise publicly available.


**REQUEST NO. 74:**

Any and all documents referring, relating to, or concerning Facebook's policies for the making and retention of records.

**RESPONSE TO REQUEST NO. 74**

In addition to the General Objections, Facebook objects to this Request to the extent it seeks information that is protected from disclosure on the basis of the attorney-client privilege, the work product doctrine, or otherwise. Facebook further objects that the phrase "policies for the making and retention of records" is vague and ambiguous. Facebook also objects to this Request on the grounds that it is overbroad, unduly burdensome and oppressive. Facebook further objects to this Request to the extent that it seeks information that is neither relevant to this proceeding nor calculated to lead to the discovery of admissible evidence.

Dated: March 19, 2012



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Michael G. Rhodes (*pro hac vice*)  
Peter J. Willsey (*pro hac vice*)  
Jeffrey T. Norberg (*pro hac vice*)  
COOLEY LLP  
101 California Street, 5th Floor  
San Francisco, CA 94111-5800  
Phone: (415) 693-2000  
Fax: (415) 693-2222  
Email: rhodesmg@cooley.com  
pwillsey@cooley.com  
jnorberg@cooley.com

Steven D. McCormick (IL Bar No. 1824260)  
KIRKLAND & ELLIS LLP  
300 North LaSalle  
Chicago, IL 60654-3406  
Tel: (312) 862-2000  
Fax: (312) 862-2200  
Email: smccormick@kirkland.com


*Attorneys for Defendant-Counterplaintiff  
FACEBOOK, INC.*

**CERTIFICATE OF SERVICE**

I, Jeffrey T. Norberg, counsel for Defendant-Counterplaintiff Facebook, Inc., hereby certify that I caused a true and correct copy of **DEFENDANT FACEBOOK, INC.'S OBJECTIONS & RESPONSES TO PLAINTIFF TIMELINES, INC.'S FIRST SET OF DOCUMENT REQUESTS** to be served upon the following counsel for Plaintiff by email on March 19, 2012:

Douglas Alan Albritton  
REED SMITH LLP  
10 South Wacker Drive, 40th Floor  
Chicago, Illinois 60606-7507  
(312) 207-1000  
(312) 207-6400 (fax)  
dalbritton@reedsmith.com

Dated: March 19, 2012

  
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Jeffrey T. Norberg (*pro hac vice*)  
COOLEY LLP  
3175 Hanover Street  
Palo Alto, CA 94111  
Phone: (650) 843-5000  
Fax: (650) 857-0663  
Email: jnorberg@cooley.com

*Attorney for Defendant-Counterplaintiff  
FACEBOOK, INC.*

151307/DC



# EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

TIMELINES, INC.,	)	
	)	
Plaintiff-Counterdefendant,	)	
	)	Civil Action No. 11-cv-06867
v.	)	Judge John W. Darrah
	)	
FACEBOOK, INC.,	)	
	)	
Defendant-Counterplaintiff.	)	Jury Trial Demanded

**PROTECTIVE ORDER**

In accordance with the agreement of the parties and pursuant to Federal Rule of Civil Procedure 26(c), the Court enters the following Agreed Protective Order (“Protective Order” or “Order”) to govern discovery in this case between Plaintiff Timelines, Inc. (“Plaintiff” or “Timelines”) and Defendant Facebook, Inc. (“Defendant” or “Facebook”). Plaintiff and Defendant are collectively referred to as the “Parties.” It is, therefore, ORDERED, ADJUDGED and DECREED as follows:

1. Covered Parties. This Protective Order is applicable to the Parties, any additional parties joined in this action, and any third-parties required to respond to discovery in this matter, for the sole purpose of facilitating discovery in the above-styled and numbered cause. It is ordered that this Protective Order will not be used, in any manner or form, as direct or indirect evidence in any trial or any hearing, or referred to in any trial or any hearing on the merits of this case, except a hearing that involves issues related to the enforcement of any provision of this Protective Order.
2. Use of Information. All Confidential Information produced or exchanged in the course of this litigation shall be used solely for the purpose of preparation and trial of this litigation and for no other purpose whatsoever, and shall not be disclosed to any person except in accordance with the terms hereof.

3. Designation of Information. A Party may designate any documents, testimony and other information furnished or disclosed to any other Party or its counsel during discovery or trial as “Confidential” or “Confidential—Attorney’s Eyes Only” in the manner set forth in this Protective Order. In designating information as “Confidential” or “Confidential—Attorney’s Eyes Only,” a Party will make such designation only as to that information that it in good faith believes contains confidential information. Information or material that is available to the public shall not be classified. Nothing in this Protective Order shall permit one Party to designate documents produced by any other Party as “Confidential” or “Confidential—Attorney’s Eyes Only,” or otherwise subject those documents to the provisions of this Protective Order, as long as the document is a document originally of the other Party, or a summary thereof.

4. “Confidential” Designation. A Party may designate as “Confidential” any document or any portion of a document and any other thing, material, testimony, or other information that it reasonably and in good faith believes contains or reflects proprietary or confidential information that it desires not to be made public.

5. “Confidential—Attorney’s Eyes Only” Designation. A Party may designate as “Confidential—Attorney’s Eyes Only” any document or portion of a document and any other thing, material, testimony, or other information that it reasonably and in good faith believes is of such a personally, commercially or competitively sensitive nature that disclosure to persons other than those specified herein in Paragraph 12 could reasonably be expected to result in injury to that Party. “Confidential—Attorney’s Eyes Only” information shall include without limitation information that is not known or available to the public and that constitutes, contains, or reflects trade secrets; proprietary business information, methods or processes; financial data, reports or analysis; pricing or cost information; sales and marketing information, analysis, or planning; customer or candidate information; and other confidential information that is competitively sensitive. The Parties expressly recognize that designation of material as “Confidential—Attorney’s Eyes Only” is solely for the purpose of facilitating discovery and that the receiving

Party's failure to object to such designation shall in no way constitute an admission by the receiving Party that such material constitutes trade secret information under applicable law and shall in no way operate as a waiver of the receiving Party's right to challenge the assertion of such status at a later time.

6. Time Period for Protection. Except as otherwise provided below, any information, document, data, thing, deposition testimony, or discovery response produced, given, or served pursuant to discovery requests in this litigation and designated by the producing Party as "Confidential" or "Confidential—Attorney's Eyes Only" (collectively, the "Material"), or any information contained in or derived from any of the foregoing Material, shall be subject to the provisions of this Protective Order until further order of the Court or, absent further order of the Court, shall be treated pursuant to Paragraph 21 below.

7. Document Production and Exhibits. Material shall be designated as "Confidential" or "Confidential—Attorney's Eyes Only" by including a legend/marketing of "Confidential" or "Confidential—Attorney's Eyes Only" on each page thereof as to which confidentiality is claimed. All copies of Material stamped "Confidential" or "Confidential—Attorney's Eyes Only" shall also be designated "Confidential" or "Confidential—Attorney's Eyes Only." With respect to any Material designated as "Confidential" or "Confidential—Attorney's Eyes Only" that is not produced in paper form (such as data storage devices, diskettes, magnetic media, and other Material not produced in paper form) and that is not susceptible to the imprinting of a stamp signifying its confidential nature, the producing Party shall, to the extent practicable, produce such Material with a cover labeled "Confidential" or "Confidential—Attorney's Eyes Only" and shall inform all counsel in writing of the "Confidential" or "Confidential—Attorney's Eyes Only" designation of such Material at the time such Material is produced.

8. Filing of Confidential Documents Generated during Suit. In the event that a Party wishes to use any "Confidential" or "Confidential—Attorney's Eyes Only" information in any affidavits, briefs, memoranda of law, or other papers filed in Court in this litigation, the Party

shall file such Material as a “Restricted Document” in accordance with Local Rule 26.2, without the need of further Court order. The Clerk shall thereafter maintain these materials under seal unless and until the Court expressly orders that they be opened to public inspection.

9. Depositions. Any Party may designate a deposition or portion thereof as “Confidential” or “Confidential—Attorney’s Eyes Only” Material by denominating by page and line those portions of the deposition which are to be considered “Confidential” or “Confidential—Attorney’s Eyes Only” within seven (7) days of receiving the transcript and so informing all other Parties of such designation. Until the expiration of the seven (7) day period, the entirety of the deposition shall be treated as though it was marked “Confidential-Attorney’s Eyes Only.” Additionally, a Party may orally designate testimony as “Confidential” or “Confidential—Attorney’s Eyes Only” Material during the course of a deposition, in which case the court reporter shall transcribe the pages so designated in a separate volume marked “CONFIDENTIAL” or “CONFIDENTIAL—ATTORNEY’S EYES ONLY.” Any portion of a deposition so designated, or separately bound volume, shall not be filed with the Court, except in accordance with Paragraph 8 of this Agreed Protective Order. Notwithstanding the above, absent agreement of the Parties to the contrary, persons attending depositions must leave the room before any discussion of any “Confidential” and/or “Confidential—Attorney’s Eyes Only” Material that the person is not entitled to review under the provisions of this Protective Order.

10. Restrictions on Use of Confidential Material. Except as agreed by the designating Party or its counsel or as otherwise provided herein, information designated as “Confidential” or “Confidential—Attorney’s Eyes Only”:

- a. shall be maintained in confidence by counsel to whom it is furnished;
- b. may be disclosed by such outside counsel only to authorized persons entitled to access thereto under Paragraphs 11 and 12 below;

c. may be used by such outside counsel and the authorized person(s) to whom it is disclosed only for the purposes of this litigation and for no other purpose; and

d. may be copied only as reasonably necessary for this litigation, with each such copy subject to the same protection as the original item.

11. Authorized Users of Confidential Material. Except as agreed by the designating Party or its counsel or as otherwise provided herein, no “Confidential” Material subject to this Protective Order or extracts or summaries therefrom shall be given or shown to any person except the following:

a. Attorneys for any Party engaged in the litigation of this action and the regular employees of such attorneys to whom it is necessary that the material be shown for purposes of litigation.

b. Any employees of a Party actively engaged in assisting that Party’s attorneys in the conduct of this litigation to the extent reasonably necessary to enable the attorneys for that Party to render professional services in the litigation, who are first informed of and agree to be bound by the terms of this Agreed Protective Order.

c. Persons not employees of any Party who are expressly retained to assist such Party’s counsel (“Retaining Counsel”) in the preparation of this action for trial as either consulting or testifying experts, and the employees of such persons (“Outside Experts”), after such Outside Expert has signed and delivered to Retaining Counsel a statement in the form annexed hereto as Exhibit “A.”

d. Any person who is shown on the face of the “Confidential” Material to have authored or received it, and who has signed and delivered to counsel a statement in the form annexed hereto as Exhibit “A.”

e. The Court, other court officials (including court reporters) and the trier of fact, pursuant to the terms of this Protective Order.

f. Any other person who subsequently is designated either by (i) written agreement of all the Parties after a request by one of them or (ii) by order of the Court upon motion by a Party, after notice to all the Parties, after such person has signed and delivered to counsel a statement in the form annexed hereto as Exhibit “A.”

g. To the extent witnesses are examined in connection with “Confidential” Materials, and are not covered by subparts “a”, “b”, “c”, “d” or “f” above, they and their counsel shall be informed by the examining attorney of the applicable provisions of this Order and shall first sign and deliver a statement in the form annexed hereto as Exhibit “A.” Such witnesses shall not be permitted to retain the “Confidential” Material, or any copy thereof following the examination.

No person allowed to view “Confidential” Material shall use any “Confidential” Material for any purpose except as needed solely in connection with or to assist in the prosecution or defense of the claims between the Parties, and each person shall make best efforts necessary to protect the confidentiality of the Material. Nothing in this Protective Order is intended to prevent a Party or its employees from reviewing the Party’s own “Confidential” Material.

12. Authorized Users of “Confidential—Attorney’s Eyes Only” Material. Except as agreed by the designating Party or its counsel, or as otherwise provided herein, no “Confidential—Attorney’s Eyes Only” Material subject to this Protective Order or extracts or summaries therefrom shall be given or shown to any person except the following:

a. Attorneys for any Party engaged in the litigation of this action and the regular employees of such attorneys to whom it is necessary that the material be shown for purposes of litigation.

b. Outside Experts, after any such Outside Expert has signed and delivered to Retaining Counsel a statement in the form annexed hereto as Exhibit “A.”

c. Any person who is shown on the face of the “Confidential—Attorney’s Eyes Only” Material to have authored or received it, and who has first signed and delivered to counsel a statement in the form annexed hereto as Exhibit “A.”

d. The Court, other court officials (including court reporters) and the trier of fact, pursuant to the terms of this Order.

e. Any other person who subsequently is designated either by (i) written agreement of all the Parties after a request by one of them or (ii) by order of the Court upon motion by a Party, after notice to all the Parties, after such person has signed and delivered to counsel a statement in the form annexed hereto as Exhibit “A.”

No person allowed to view “Confidential—Attorney’s Eyes Only” Material shall use any “Confidential—Attorney’s Eyes Only” Material for any purpose except as needed solely in connection with or to assist in the prosecution or defense of the claims between the Parties, and each person shall make best efforts necessary to protect the confidentiality of the Material. Nothing in this Protective Order is intended to prevent a Party or its employees from reviewing the Party’s own “Confidential—Attorney’s Eyes Only” Material.

13. Challenging Designation. If any Party believes that any Material that has been designated as “Confidential” or “Confidential—Attorney’s Eyes Only” is not properly subject to the confidentiality provisions of this Protective Order, that Party may so notify the producing Party in writing and provide a description of the Material that the objecting Party believes should be freed from the constraints of this Order, and serve copies of such notice to lead counsel for all other Parties herein. If the Party that produced such designated Material does not agree to re-designate the Material in response to the objection, and the Parties cannot resolve the challenge through a meet and confer process to be conducted within five (5) business days from receipt of notice of the challenge, the Party producing such designated Material must then file a motion for protective order within five (5) business days from the meet and confer, and shall bear the burden of justifying confidential treatment of the disputed Material under applicable law. If such a motion is timely filed, the protection afforded by the Protective Order shall continue until the Court makes a decision on the motion. If no motion is made within the five-day period, the protection afforded “Confidential” or “Confidential—Attorney’s Eyes Only” Material by this



Protective Order shall terminate as to the Material described in the objecting Party's notice given pursuant to this Paragraph.

14. Use of Confidential Material at Trial or Hearing ("Trial"). If this matter proceeds to Trial, the Parties are to meet and confer regarding whether any exhibits intended to be offered into evidence are designated as "Confidential" or "Confidential—Attorney's Eyes Only" and, if so, to confer regarding how such documents should be treated for trial. If the Parties cannot reach agreement, then they shall approach the Court regarding the appropriate treatment of such documents including, but not limited to, continued treatment of the documents as "Confidential" or "Confidential—Attorneys Eyes Only" and exclusion of witnesses and other persons from the courtroom during the presentation of such evidence.

15. No Waiver. This Protective Order shall not be deemed a waiver of:

- a. Any Party's right to object to any discovery requests on any ground;
- b. Any Party's right to seek an order compelling discovery with respect to any discovery request;
- c. Any Party's right in any proceeding herein to object to the admission of any evidence on any ground;
- d. Any Party's right to use its own documents and its own "Confidential" or "Confidential—Attorney's Eyes Only" material outside of this litigation or to withdraw such designation in its sole and complete discretion;
- e. Any Party's right to object to the admissibility of any document or other tangible thing produced pursuant to a request for production on grounds of relevancy, materiality, privilege, or other valid ground of objection.
- f. The status of any material as a trade secret.

16. Inadvertent Disclosure.

(a) The inadvertent or unintentional production or other disclosure of documents containing confidential, secret, attorney-client privileged or attorney work product information without being designated as “Confidential” or “Confidential—Attorney’s Eyes Only” at the time of the production or disclosure shall not be deemed a waiver in whole or in part of a Party’s claim of confidentiality, secrecy or privilege, either as to the specific information or as to any other information relating thereto or on the same or related subject matter. Any inadvertent designation or disclosure shall be corrected as soon as reasonably possible after the designating Party becomes aware of the error.

(b) If a Party produces Material without intending to waive a claim of privilege, it shall, within five (5) business days of discovering such inadvertent disclosure, notify the opposing Party of its claim of privilege. After being notified, the opposing Party shall promptly return or destroy the specified Material and any copies thereof pursuant to the terms of this provision, promptly providing confirmation of such destruction to the notifying Party. If a Party receives information from an opposing Party that it believes to be privileged, it shall, within five (5) business days of discovering such inadvertent disclosure, notify the opposing Party of its inadvertent production. If the opposing Party then confirms that the information is privileged, the notifying Party shall promptly return or destroy the specified Material and any copies thereof, promptly providing confirmation of such destruction.

17. Responsibility of Counsel. Counsel for the Parties to whom “Confidential” or “Confidential—Attorney’s Eyes Only” Material has been furnished shall be responsible for restricting disclosure in accordance with the provisions of this Protective Order and for securing execution of and retaining the statement attached hereto as Exhibit “A” as and when required under the provisions of this Protective Order.

18. Unauthorized Disclosure of Protected Material. If a Party learns that, by inadvertence or otherwise, it has disclosed “Confidential” or “Confidential-Attorney’s Eyes Only” Material

designated by the opposing Party to any person or in any circumstance not authorized under this Protective Order, the Party must immediately (a) notify in writing the opposing Party of the unauthorized disclosure, including identification of each item of Material so disclosed, (b) use its best efforts to retrieve all copies of the Material so disclosed, (c) inform the person(s) to whom unauthorized disclosures were made of all the terms of this Order, and (d) request such person(s) execute the statement attached hereto as Exhibit "A."

19. Modification of Order. This Order may be modified or amended by order of the Court upon good cause shown following advance notice of at least five (5) business days to the opposing Party prior to the filing of any motion seeking such modification or amendment.

20. Third-Party Material. The protections afforded by this Protective Order shall extend to Material produced by third parties in this action, whether by subpoena or otherwise. To the extent that the Parties produce documents received from third parties that have been designated by third parties as "Confidential" or "Confidential—Attorney's Eyes Only," such documents shall be treated as "Confidential" or "Confidential—Attorney's Eyes Only" in accordance with the terms of this Order and any deposition testimony concerning the contents of such documents shall likewise be treated as "Confidential" or "Confidential—Attorney's Eyes Only" in accordance with the terms of this Order.

21. Conclusion of Suit. The provisions of this Protective Order shall continue in effect with respect to any "Confidential" or "Confidential—Attorney's Eyes Only" Material until expressly released by the Party furnishing such Material, and such effectiveness shall survive the final determination of this action. For purposes of this Protective Order, the "final determination of this action" shall be deemed to be the later of (i) full settlement of all claims; (ii) final judgment herein after the completion and exhaustion of all appeals, rehearing, remands, trials and reviews, if any, of this action; or (iii) the expiration of all time limits under governing law for the filing of or application for all appeals, rehearings, remands, trials or reviews of this action, including the

time limits for the filing of any motions or applications for extension of time pursuant to applicable law.

IT IS SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2012.

BY THE COURT

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Honorable John W. Darrah  
United States District Court Judge

**EXHIBIT A TO AGREED PROTECTIVE ORDER**

1. I am familiar with and agree to be bound by the terms of the Agreed Protective Order in the litigation styled: *Timelines, Inc. v. Facebook, Inc.*, Case No. 11-cv-06867, in the United States District Court for the Northern District of Illinois. I understand and acknowledge that failure to comply with all the terms of the Agreed Protective Order could expose me to sanctions and punishment in the nature of contempt.

2. I will only make such copies of or notes concerning documents designated “Confidential” or “Confidential—Attorney’s Eyes Only” as are necessary to enable me to render the assistance required in connection with this litigation, and, all such notes and copies shall be preserved in a separate file maintained as confidential and marked for disposal or destruction upon completion of this litigation. Upon the final determination of this action, I shall promptly destroy all “Confidential” or “Confidential—Attorney’s Eyes Only” materials provided to me as well as any notes or derivations thereof.

3. I will not intentionally reveal the contents of “Confidential” or “Confidential—Attorney’s Eyes Only” Material to any unauthorized person.

4. I will not intentionally use “Confidential” or “Confidential—Attorney’s Eyes Only” Material for any purpose other than the prosecution or defense of claims in this action.

5. I agree to be subject to the jurisdiction of the United States District Court for the Northern District of Illinois for purposes of enforcing the Agreed Protective Order.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2012.

By: \_\_\_\_\_

Name: \_\_\_\_\_

(print name)

Address: \_\_\_\_\_