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**ORIGINAL**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

NETJUMPER SOFTWARE, L.L.C.,  
a Michigan limited liability corporation,  
  
Plaintiff,

Case No. 04-70366-CV  
Hon. Julian Abele Cook  
Magistrate Judge R. Steven Whalen

vs.

GOOGLE INC.,  
a Delaware corporation,  
  
Defendant.

FILED  
05 MAR 29 AM 1:10  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
DETROIT 48226

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**OBJECTIONS TO SUBPOENA**

Netjumper Software, LLC, by and through its counsel, Sommers, Schwartz, Silver & Schwartz, P.C. files its objections to a subpoena directed to Mark Lahti dated February 7, 2005 issued by Defendant/Counter-Claimant, states as follows:

LAW OFFICES  
SOMMERS, SCHWARTZ, SILVER & SCHWARTZ, P.C.  
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1. This is a patent infringement action between Plaintiff Netjumper Software, LLC (Netjumper") and Defendant Google Inc ("Google").

2. Netjumper's counsel first became aware of the subpoena to Mark Lahti on March 28, 2005 by way of a telephone call from Mark Lahti to Netjumper's counsel. Netjumper's counsel did not receive a copy of the subpoena directed to Mark Lahti and dated February 7, 2005.

3. Defendant is not entitled to the documents requested, because they are the confidential, proprietary and privileged documents and information of Mark Lahti, and the requests are irrelevant and/or not reasonably calculated to lead to admissible evidence.

4. The requests are overly broad, onerous, unduly burdensome and would further require Paul Borman to undergo an undue burden and expense to gather all of the information and documents requested. Defendant has not offered to pay Paul Borman's costs that he would incur in performing the requested discovery.

5. The requests are vague and ambiguous and unlimited as to time and scope.

6. The requests are protected by the attorney-client privilege and/or the work product privilege.

7. Mark Lahti objects to the requests to the extent they seek documents or items that are not in the possession, custody and/or control of Mark Lahti. Alternatively, Mark Lahti objects to these requests to the extent the documents do not exist.

8. Specifically, Mark Lahti objects to Defendant's requests as follows:

**A. REQUEST:**

1: All documents and things concerning Your work for Netjumper or any related entity including, but not limited to, Netjumper Software, LLC, Netjumper.com, Inc., Netjumper, Inc., Tenretni Dynamics, Inc., and Client-Surfer. This request is overly broad, vague, ambiguous, and unduly burdensome, notwithstanding that all or part of the request is wholly irrelevant to the underlying action, and will not lead to the discovery of admissible evidence. This information is confidential, privileged and proprietary to the entities referenced above. In addition, the request is not limited to time and scope, and it

is interjected for harassment purposes. The information sought in this request is protected by the attorney-client and/or work-product privilege and is not subject to disclosure.

**2: All documents and things concerning Your work for Netjumper that led to the entry into any development agreement with HCL.** This request is overly broad, vague, ambiguous, and unduly burdensome, notwithstanding that all or part of the request is wholly irrelevant to the underlying action, and will not lead to the discovery of admissible evidence. This information is confidential, privileged and proprietary to Netjumper. The information sought in this request is protected by the attorney-client and/or work-product privilege and is not subject to disclosure.

**3: All documents and things concerning Your work for Client-Surfer that led to the entry into any development agreement with HCL.** This request is overly broad, vague, ambiguous, and unduly burdensome, notwithstanding that all or part of the request is wholly irrelevant to the underlying action. This information is confidential, privileged and proprietary to the above-referenced entities. In addition, the request is not limited to time and scope, and it is interjected for harassment purposes. This request is not reasonably calculated to lead to the discovery of admissible evidence. Further, the information sought in this request is protected by the attorney-client and/or work-product privilege and is not subject to disclosure.

**4: All documents and things concerning the relationship between Client-Surfer and Netjumper.** This request is overly broad, vague, ambiguous, and unduly burdensome, notwithstanding that all or part of the request is wholly irrelevant to the underlying action. This information is confidential, privileged and proprietary to Client-Surfer and Netjumper. In addition, the request is not limited to time and scope, and it is interjected for harassment purposes. This request is not reasonably calculated to lead to the discovery of admissible evidence.

**5: All documents and things concerning any agreement among or between Gilbert Borman, HCL, Client-Surfer and/or Netjumper concerning any services or work performed related to the patents-in-suit and/or this lawsuit.** This request is overly broad, vague, ambiguous, and unduly burdensome, notwithstanding that all or part of the request is wholly irrelevant to the underlying action. This information is confidential, privileged and proprietary to Gilbert Borman and the above-mentioned entities. In addition, the request is not limited to time and scope, and it is interjected for harassment purposes. This request is not reasonably calculated to lead to the discovery of admissible evidence.

6: All documents and things concerning Your communications with anyone, including Netjumper, Gilbert Borman, Client-Surfer, their attorneys and members, and/or related entities concerning the patents-in-suit and/or this lawsuit. This request is overly broad, vague, ambiguous, and unduly burdensome, notwithstanding that all or part of the request is wholly irrelevant to the underlying action. This information is confidential, privileged and proprietary to Gilbert Borman and the above-referenced entities. In addition, the request is not limited to time and scope, and it is interjected for harassment purposes. This request is not reasonably calculated to lead to the discovery of admissible evidence. Further, the information sought in this request is protected by the attorney-client and/or work-product privilege and is not subject to disclosure.

7: All documents and things concerning and/or related to the technology described in the patents-in-suit, including but not limited to Netjumper 2.5, Netjumper 2.7, Netjumper Lite, Linkgrabber '99, and Internet Buffet. This request is overly broad, vague, ambiguous, and unduly burdensome, notwithstanding that all or part of the request is wholly irrelevant to the underlying action. This information is confidential, privileged and proprietary to Paul Borman. The request is interjected for harassment purposes. This request is not reasonably calculated to lead to the discovery of admissible evidence. The information sought by this request is protected by the attorney-client and/or work-product privilege and is not subject to disclosure.

8: All documents and things concerning any analysis of technology relating to the patents-in-suit, both before and after October 6, 1996. This request is overly broad, vague, ambiguous, and unduly burdensome, notwithstanding that all or part of the request is wholly irrelevant to the underlying action. In addition, the request is not limited to time and scope, and it is interjected for harassment purposes. This request is not reasonably calculated to lead to the discovery of admissible evidence.

9: All documents and things related to the domain name Goograb.com. This request is overly broad, vague, ambiguous, and unduly burdensome, notwithstanding that all or part of the request is wholly irrelevant to the underlying action. In addition, the request is not limited to time and scope. This request is not reasonably calculated to lead to the discovery of admissible evidence.

10: All documents and things concerning your interest in Netjumper and/or this lawsuit. This request is overly broad, vague, ambiguous, and unduly burdensome, notwithstanding that all or part of the request is wholly irrelevant to the underlying action. This information is confidential, privileged and proprietary to Netjumper and Mark Lahti. In addition, the request is not limited to time and scope,

and it is interjected for harassment purposes. This request is not reasonably calculated to lead to the discovery of admissible evidence.

11: Documents sufficient to identify Your dates of involvement and/or employment with Netjumper and/or Client-Surfer. This request is overly broad, vague, ambiguous, and unduly burdensome, notwithstanding that all or part of the request is wholly irrelevant to the underlying action. This information is confidential, privileged and proprietary to Mark Lahti and Netjumper and Client-Surfer. In addition, the request is not limited to time and scope, and it is interjected for harassment purposes. This request is not reasonably calculated to lead to the discovery of admissible evidence.

9. The documents and things requested are only requested to annoy, embarrass, oppress and/or unduly burden Mark Lahti, and would require Mark Lahti to undergo a considerable expense to make copies of all of the files requested in violation of FRCP 45 (3)(c)(1).

WHEREFORE, Mark Lahti objects to the subpoena dated February 7, 2005, and respectfully requests that the Court enter an order relieving it from complying with the subpoena in question, and pursuant to FRCP 45 (3)(c)(3)(A) quash what is clearly an unreasonable and oppressive subpoena. Mark Lahti also requests that he be awarded his costs and fees incurred in filing this objection. Alternatively, Mark Lahti requests that this Honorable Court order Defendant Google Inc. to pay the costs of retrieval prior to the production of any responsive documents.

Respectfully submitted,  
SOMMERS, SCHWARTZ, SILVER  
& SCHWARTZ, P.C.

**PROOF OF SERVICE**  
The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on 3-29-05

By:  U.S. Mail                       Hand Delivery  
 ECF Service                       Federal Express  
 Facsimile                           Other

Signature *Demetrius H. [unclear]*

BY: *Nabeel N. Hamameh*  
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DATED: March 28, 2005