

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TOPIA TECHNOLOGY, INC.,

Plaintiff,

v.

EGNYTE, INC.,

Defendant.

C.A. No. 1:21-cv-01821-CJB

**DROPBOX INC.'S OBJECTIONS AND RESPONSES TO PLAINTIFF
TOPIA TECHNOLOGY, INC.'S SUBPOENA**

Third party Dropbox, Inc. (“Dropbox”) hereby objects and responds to Plaintiff Topia Technology, Inc.’s (“Plaintiff”) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (the “Subpoena”), dated November 8, 2023.

These responses and objections are based on information currently available to Dropbox and are subject to revision based on later-discovered information. These answers are without prejudice to Dropbox’s right to use or rely on any subsequently discovered information at any time, or information omitted from these answers as a result of mistake, error, oversight, or inadvertence. Dropbox also reserves the right to provide additional information and evidence at any time, and to object on appropriate grounds to the introduction of any portion of these answers into evidence.

Any inadvertent disclosure by Dropbox of information protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege will not constitute a waiver of that privilege or doctrine.

General Objections To The Subpoena

Dropbox makes the following General Objections to the Subpoena. Dropbox incorporates each of these General Objections into its Responses to each of Plaintiff’s individual Requests,

whether or not each such General Objection is expressly referenced in a specific Response. Dropbox's Responses to the individual Requests are made without waiving any applicable General Objection.

1. Dropbox objects to the noticed date, time, and location of the noticed document production. Any document production will be scheduled for a mutually convenient date, time, and location.

2. Dropbox objects to each Request to the extent that it seeks information that does not exist within Dropbox's possession, custody, or control.

3. Dropbox objects to each Request as vague, ambiguous, overly broad, unduly burdensome, and calling for the production of information that is neither relevant nor proportional to the needs of the case.

4. Dropbox objects to each Request to the extent that it requests information protected or otherwise exempt or immune from discovery, including without limitation, information protected from discovery by attorney-client privilege and/or work product immunity, information protected by the common interest doctrine and joint defense privilege, or information that is otherwise protected from disclosure under the Federal Rules of Civil Procedure, the Federal Rules of Evidence, or relevant statutory or case law.

5. Dropbox objects to each Request to the extent that it seeks to impose any requirements or obligations in addition to or different from those imposed by the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the Local Rules, any applicable orders of this Court, or relevant statutory or case law.

6. Dropbox objects to each Request to the extent that it seeks information outside of Dropbox's possession, custody, or control.

7. Dropbox objects to each Request to the extent that it seeks information in Plaintiff's possession, custody, or control, and/or information that is publicly available and thus at least equally available to Plaintiff as it is to Dropbox.

8. Dropbox objects to each Request to the extent that it seeks information that is unreasonably cumulative or duplicative of other discovery requests or information that is obtainable from some other source that is more convenient, less burdensome, or less expensive.

9. Dropbox objects to the Requests to the extent they are cumulative and/or duplicative of other forms of discovery that are more convenient and less burdensome. Dropbox further objects to the extent any request attempts to require Dropbox to search electronic mail, electronic stores, or other media that are burdensome and/or beyond the scope of any reasonably necessary efforts to identify and produce relevant, reasonable, and non-burdensome discovery in this case.

10. Dropbox objects to the extent the Requests seek documents, information, and/or things that are not relevant to any party's claim or defense in the underlying action.

11. Dropbox objects to the definition of "Box" because it includes the undefined and vague phrases and terms, "its officers, directors, managers, employees, divisions, parent companies, subsidiaries, affiliates, predecessors or successors-in-interest," and "any joint venture to which one or more of them may be a party, consultants, agents, and accountants, including any person who served in any such capacity at any time to Box Inc.." These vague and undefined terms are overbroad, unduly burdensome, outside the proper scope of discovery, and not proportional to the needs of the case, because they collectively define Box Inc. in such a manner that seeks documents and information outside the possession, custody, or control of Dropbox. This definition is further objectionable because it includes attorneys and, therefore, seeks information

protected by the attorney-client privilege and/or the attorney work product doctrine, the expert privilege, and other applicable privileges. Dropbox further objects to this definition because it includes entities that have no relationship or involvement with any of the issues relating to this litigation and to the extent it seeks to impose any obligations or burdens on Dropbox different from or in addition to what is required by the Federal Rules of Civil Procedure, the Local Rules of this Court, the Local Patent Rules of this Court, any applicable orders of this Court, any stipulation or agreement of the parties, or other applicable law. Dropbox responds to the Subpoena on its own behalf and not on behalf of any other person, company, or entity, affiliated or otherwise.

12. Dropbox objects to the definition of “Cooley LLP” because it includes the undefined and vague phrases and terms, “its officers, directors, managers, employees, divisions, parent companies, subsidiaries, affiliates, predecessors or successors-in-interest,” and “any joint venture to which one or more of them may be a party, consultants, agents, and accountants, including any person who served in any such capacity at any time to Cooley LLP.” These vague and undefined terms are overbroad, unduly burdensome, outside the proper scope of discovery, and not proportional to the needs of the case, because they collectively define Cooley LLP. in such a manner that seeks documents and information outside the possession, custody, or control of Dropbox. This definition is further objectionable because it includes attorneys and, therefore, seeks information protected by the attorney-client privilege and/or the attorney work product doctrine, the expert privilege, and other applicable privileges. Dropbox further objects to this definition because it includes entities that have no relationship or involvement with any of the issues relating to this litigation and seek to impose any obligations or burdens on Dropbox different from or in addition to what is required by the Federal Rules of Civil Procedure, the Local Rules of this Court, the Local Patent Rules of this Court, any applicable orders of this Court, any stipulation

or agreement of the parties, or other applicable law. Dropbox responds to the Subpoena on its own behalf and not on behalf of any other person, company, or entity, affiliated or otherwise.

13. Dropbox objects to the definition of “DropBox” because it includes the undefined and vague phrases and terms, “its officers, directors, managers, employees, divisions, parent companies, subsidiaries, affiliates, predecessors or successors-in-interest,” and “any joint venture to which one or more of them may be a party, consultants, agents, and accountants, including any person who served in any such capacity at any time to DropBox Inc.” These vague and undefined terms are overbroad, unduly burdensome, outside the proper scope of discovery, and not proportional to the needs of the case, because they collectively define Dropbox in such a manner that seeks documents and information outside the possession, custody, or control of Dropbox. This definition is further objectionable because it includes attorneys and, therefore, seeks information protected by the attorney-client privilege and/or the attorney work product doctrine, the expert privilege, and other applicable privileges. Dropbox further objects to this definition because it includes entities that have no relationship or involvement with any of the issues relating to this litigation and to the extent it seeks to impose any obligations or burdens on Dropbox different from or in addition to what is required by the Federal Rules of Civil Procedure, the Local Rules of this Court, the Local Patent Rules of this Court, any applicable orders of this Court, any stipulation or agreement of the parties, or other applicable law. Dropbox will respond to the Subpoena on its own behalf and not on behalf of any other person, company, or entity, affiliated or otherwise.

14. Dropbox objects to the definition of “Egnyte Inc.” because it includes the undefined and vague phrases and terms, “its officers, directors, managers, employees, divisions, parent companies, subsidiaries, affiliates, predecessors or successors-in-interest,” and “any joint venture to which one or more of them may be a party, consultants, agents, and accountants, including any

person who served in any such capacity at any time to Egnyte Inc.” These vague and undefined terms are overbroad, unduly burdensome, outside the proper scope of discovery, and not proportional to the needs of the case, because they collectively define Egnyte Inc. in such a manner that seeks documents and information outside the possession, custody, or control of Dropbox. This definition is further objectionable because it includes attorneys and, therefore, seeks information protected by the attorney-client privilege and/or the attorney work product doctrine, the expert privilege, and other applicable privileges. Dropbox further objects to this definition because it includes entities that have no relationship or involvement with any of the issues relating to this litigation and to the extent it seeks to impose any obligations or burdens on Dropbox different from or in addition to what is required by the Federal Rules of Civil Procedure, the Local Rules of this Court, the Local Patent Rules of this Court, any applicable orders of this Court, any stipulation or agreement of the parties, or other applicable law. Dropbox responds to the Subpoena on its own behalf and not on behalf of any other person, company, or entity, affiliated or otherwise.

15. Dropbox objects to the definitions of “Heidi Keefe and Affiliates” as overbroad, vague, ambiguous, unintelligible, and uncertain language. Dropbox will construe this term to mean Heidi Keefe.

16. Dropbox reserves the right to correct, amend, modify, or supplement its objections or responses to the Subpoena from time to time and at any time in the future, as warranted by the circumstances.

17. Each of the foregoing General Objections is expressly incorporated by reference into Dropbox’s specific objections and responses to the Requests below.

Specific Objections And Responses To Requests For Production

Request No. 1

A copy of the transcript of the June 20, 2023 deposition of Heidi Keefe in Case Numbers IPR2023-00427, 00433, 00432, 00431, 00430, and 00429, and all exhibits introduced during this deposition.

Response to Request No. 1

Dropbox incorporates its General Objections as if fully set forth herein. Dropbox objects to Request No. 1 because it seeks documents, information, and/or things that are unreasonably cumulative or duplicative, or can be obtained from some other source (including the entity that issued the subpoena) that is more convenient, less burdensome, or less expensive. Specifically, this Request is duplicative of discovery that Plaintiff sought and/or could have sought, subject to objections, at the Patent Trial and Appeal Board. Plaintiff thus improperly seeks to circumvent the discovery procedures set forth by the Patent Trial and Appeal Board. Dropbox also objects to this Request because it seeks information that is irrelevant and/or not proportional to the needs of this case, from a nonparty. Dropbox further objects to this Request because it seeks information already in Plaintiff's possession, custody, or control given that Plaintiff took the deposition of Heidi Keefe in prior proceedings before the Patent Trial and Appeal Board.

Request No. 2

All documents relating to the June 20, 2023 deposition of Heidi Keef in Case Numbers IPR2023-00427, 00433, 00432, 00431, 00430, and 00429.

Response to Request No. 2

Dropbox incorporates its General Objections as if fully set forth herein. Dropbox objects to Request No. 2 because its terms or phrases are vague, ambiguous, overly broad, unduly

burdensome, irrelevant, not proportional, and/or undefined in the context of this Subpoena, including without limitation “all documents relating to.” Dropbox also objects to this Request because it seeks documents, information, and/or things that are unreasonably cumulative or duplicative, or can be obtained from some other source (including the entity that issued the subpoena) that is more convenient, less burdensome, or less expensive. Specifically, this Request is duplicative of discovery that Plaintiff sought and/or could have sought, subject to objections, at the Patent Trial and Appeal Board. Plaintiff thus improperly seeks to circumvent the discovery procedures set forth by the Patent Trial and Appeal Board. Dropbox further objects to this Request because it seeks information that is irrelevant and/or not proportional to the needs of this case, from a nonparty. In addition, Dropbox objects to this Request because it seeks information protected or otherwise exempt or immune from discovery, including without limitation, information protected from discovery by attorney-client privilege and/or work product immunity, or information that is otherwise protected from disclosure. Dropbox objects to this Request because it seeks information already in Plaintiff’s possession, custody, or control given that Plaintiff took the deposition of Heidi Keefe in prior proceedings before the Patent Trial and Appeal Board.

Request No. 3

All documents relating to communications between Heidi Keefe and Affiliates and Egnyte, Inc. as defined above, which includes but is not limited to Egnyte, Inc.’s counsel.

Response to Request No. 3

Dropbox incorporates its General Objections as if fully set forth herein. Dropbox objects to Request No. 3 because its terms or phrases are vague, ambiguous, overly broad, unduly burdensome, irrelevant, not proportional, and/or undefined in the context of this Subpoena,

including without limitation “all documents relating to communications.” Dropbox also objects to this Request because it seeks documents, information, and/or things that are unreasonably cumulative or duplicative, or can be obtained from some other source (including the entity that issued the subpoena) that is more convenient, less burdensome, or less expensive. Specifically, this Request is duplicative of discovery that Plaintiff sought and/or could have sought, subject to objections, at the Patent Trial and Appeal Board. Plaintiff thus improperly seeks to circumvent the discovery procedures set forth by the Patent Trial and Appeal Board. Dropbox further objects to this Request because it seeks information that is irrelevant and/or not proportional to the needs of this case, from a nonparty. In addition, Dropbox objects to this Request because it seeks information protected or otherwise exempt or immune from discovery, including without limitation, information protected from discovery by attorney-client privilege and/or work product immunity, or information that is otherwise protected from disclosure. Dropbox objects to this Request because it seeks information outside of Dropbox’s possession, custody, or control given that Dropbox does not possess discoverable documents relating to communications between Heidi Keefe and Affiliates and Egnyte.

Request No. 4

All documents relating to communications between Egnyte, Inc. as defined above, which includes but is not limited to Egnyte, Inc.’s counsel, and Box.

Response to Request No. 4

Dropbox incorporates its General Objections as if fully set forth herein. Dropbox objects to Request No. 4 because its terms or phrases are vague, ambiguous, overly broad, unduly burdensome, irrelevant, not proportional, and/or undefined in the context of this Subpoena, including without limitation “all documents relating to communications.” Dropbox also objects

to this Request because it seeks documents, information, and/or things that are unreasonably cumulative or duplicative, or can be obtained from some other source (including the entity that issued the subpoena) that is more convenient, less burdensome, or less expensive. Specifically, this Request is duplicative of discovery that Plaintiff sought and/or could have sought, subject to objections, at the Patent Trial and Appeal Board. Plaintiff thus improperly seeks to circumvent the discovery procedures set forth by the Patent Trial and Appeal Board. Dropbox further objects to this Request because it seeks information that is irrelevant and/or not proportional to the needs of this case, from a nonparty. In addition, Dropbox objects to this Request because it seeks information protected or otherwise exempt or immune from discovery, including without limitation, information protected from discovery by attorney-client privilege and/or work product immunity, or information that is otherwise protected from disclosure. Dropbox objects to this Request because it seeks information outside of Dropbox's possession, custody, or control given that Dropbox does not possess discoverable documents relating to communications between Egnyte, Inc. and Box.

Request No. 5

All documents relating to communications between Egnyte, Inc. as defined above, which includes but is not limited to Egnyte, Inc.'s counsel, and DropBox.

Response to Request No. 5

Dropbox incorporates its General Objections as if fully set forth herein. Dropbox objects to Request No. 5 because its terms or phrases are vague, ambiguous, overly broad, unduly burdensome, irrelevant, not proportional, and/or undefined in the context of this Subpoena, including without limitation "all documents relating to communications." Dropbox also objects to this Request because it seeks documents, information, and/or things that are unreasonably

cumulative or duplicative, or can be obtained from some other source (including the entity that issued the subpoena) that is more convenient, less burdensome, or less expensive. Specifically, this Request is duplicative of discovery that Plaintiff sought and/or could have sought, subject to objections, at the Patent Trial and Appeal Board. Plaintiff thus improperly seeks to circumvent the discovery procedures set forth by the Patent Trial and Appeal Board. Dropbox further objects to this Request because it seeks information that is irrelevant and/or not proportional to the needs of this case, from a nonparty. In addition, Dropbox objects to this Request because it seeks information protected or otherwise exempt or immune from discovery, including without limitation, information protected from discovery by attorney-client privilege and/or work product immunity, or information that is otherwise protected from disclosure.

Request No. 6

All documents relating to the scope of representation of Egnyte, Inc. by Cooley LLP.

Response to Request No. 6

Dropbox incorporates its General Objections as if fully set forth herein. Dropbox objects to Request No. 6 because its terms or phrases are vague, ambiguous, overly broad, unduly burdensome, irrelevant, not proportional, and/or undefined in the context of this Subpoena, including without limitation “all documents relating to the scope of representation.” Dropbox also objects to this Request because it seeks documents, information, and/or things that are unreasonably cumulative or duplicative, or can be obtained from some other source (including the entity that issued the subpoena) that is more convenient, less burdensome, or less expensive. Specifically, this Request is duplicative of discovery that Plaintiff sought and/or could have sought, subject to objections, at the Patent Trial and Appeal Board. Plaintiff thus improperly seeks to circumvent the discovery procedures set forth by the Patent Trial and Appeal Board. Dropbox further objects to this Request because it seeks information that is irrelevant and/or not

proportional to the needs of this case, from a nonparty. In addition, Dropbox objects to this Request because it seeks information protected or otherwise exempt or immune from discovery, including without limitation, information protected from discovery by attorney-client privilege and/or work product immunity, or information that is otherwise protected from disclosure. Dropbox objects to this Request because it seeks information outside of Dropbox's possession, custody, or control.

Request No. 7

All documents relating to the scope of representation of Egnyte, Inc. by Heidi Keefe.

Response to Request No. 7

Dropbox incorporates its General Objections as if fully set forth herein. Dropbox objects to Request No. 7 because its terms or phrases are vague, ambiguous, overly broad, unduly burdensome, irrelevant, not proportional, and/or undefined in the context of this Subpoena, including without limitation "all documents relating to the scope of representation." Dropbox also objects to this Request because it seeks documents, information, and/or things that are unreasonably cumulative or duplicative, or can be obtained from some other source (including the entity that issued the subpoena) that is more convenient, less burdensome, or less expensive. Specifically, this Request is duplicative of discovery that Plaintiff sought and/or could have sought, subject to objections, at the Patent Trial and Appeal Board. Plaintiff thus improperly seeks to circumvent the discovery procedures set forth by the Patent Trial and Appeal Board. Dropbox further objects to this Request because it seeks information that is irrelevant and/or not proportional to the needs of this case, from a nonparty. In addition, Dropbox objects to this Request because it seeks information protected or otherwise exempt or immune from discovery, including without limitation, information protected from discovery by attorney-client privilege and/or work product immunity, or information that is otherwise protected from disclosure.

Dropbox objects to this Request because it seeks information outside of Dropbox's possession, custody, or control.

Request No. 8

All documents relating to the scope of representation of Egnyte, Inc. by Heidi Keefe and Affiliates.

Response to Request No. 8

Dropbox incorporates its General Objections as if fully set forth herein. Dropbox objects to Request No. 8 because its terms or phrases are vague, ambiguous, overly broad, unduly burdensome, irrelevant, not proportional, and/or undefined in the context of this Subpoena, including without limitation "all documents relating to the scope of representation." Dropbox also objects to this Request because it seeks documents, information, and/or things that are unreasonably cumulative or duplicative, or can be obtained from some other source (including the entity that issued the subpoena) that is more convenient, less burdensome, or less expensive. Specifically, this Request is duplicative of discovery that Plaintiff sought and/or could have sought, subject to objections, at the Patent Trial and Appeal Board. Plaintiff thus improperly seeks to circumvent the discovery procedures set forth by the Patent Trial and Appeal Board. Dropbox further objects to this Request because it seeks information that is irrelevant and/or not proportional to the needs of this case, from a nonparty. In addition, Dropbox objects to this Request because it seeks information protected or otherwise exempt or immune from discovery, including without limitation, information protected from discovery by attorney-client privilege and/or work product immunity, or information that is otherwise protected from disclosure. Dropbox objects to this Request because it seeks information outside of Dropbox's possession, custody, or control.

Dated: November 20, 2023

Respectfully submitted,

By: /s/ Fred I. Williams

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Attorneys for Dropbox, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 20, 2023, the undersigned caused a copy of the foregoing document to be served on all counsel of record via email.

/s/ Fred I. Williams
Fred I. Williams