

EXHIBIT 2

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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

Entrepreneur Media, LLC,

Plaintiff,

v.

Meta Platforms, Inc.,

Defendant.

Case No.: 3:25-cv-09579-VC

**PLAINTIFF'S RESPONSES AND
 OBJECTIONS TO DEFENDANT'S
 THIRD SET OF REQUESTS FOR
 ADMISSION**

PROPOUNDING PARTY: Defendant Meta Platforms, Inc.

RESPONDING PARTY: Plaintiff Entrepreneur Media, LLC

SET NO.: Three (3)

Pursuant to 36 of the Federal Rules of Civil Procedure, Plaintiff Entrepreneur Media, LLC
 ("Plaintiff" or "Entrepreneur") hereby submits the following responses and objections to
 Defendant's Third Set of Requests for Admission (the "Requests"):

PRELIMINARY STATEMENT

These responses and objections are based on diligent inquiry and investigation by Plaintiff
 and reflect Plaintiff's current knowledge, understanding, and belief based upon those facts and
 information presently known and readily available to Plaintiff at this time.

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1 Discovery in this matter is ongoing and in its early stages. Plaintiff notes that references to
2 the "Asserted Works" in these responses refer to the works currently identified in Plaintiff's
3 Complaint and Rule 26 disclosures. Plaintiff reserves the right to amend its claims or supplement
4 its disclosures to add, modify, or remove works from the universe of Asserted Works pursuant to
5 the Federal Rules of Civil Procedure, and no admission in these responses shall be construed as a
6 waiver of that right or as a representation that the universe of Asserted Works is fixed.

7 Plaintiff's ability to respond to certain Requests is materially constrained by the
8 incomplete state of Defendant's discovery productions. As documented in the parties' conferral
9 correspondence, Defendant has not fully produced documents and information bearing on
10 Defendant's training-data practices, dataset acquisition and distribution, model development, and
11 related conduct. Where a Request calls upon Plaintiff to admit or deny matters concerning
12 Defendant's own conduct, systems, or data, any inability to admit or deny should not be construed
13 as a concession on the merits.

14 Further discovery, depositions, investigation, and analysis may supply additional facts and
15 establish new factual conclusions or legal contentions, which may lead to additions to, changes in,
16 and variations from these responses. Plaintiff's responses are given without prejudice to its right
17 to rely, at hearing, trial, or otherwise, on facts, documents, or information subsequently
18 discovered or omitted by inadvertence. Without obligating itself to do so, Plaintiff reserves the
19 right to supplement, modify, or amend these responses pursuant to Rule 26(e). A partial response
20 to any Request objected to in whole or in part does not waive the objection.

21 Nothing herein is intended as, or shall be deemed, a waiver of the attorney-client
22 privilege, the work-product doctrine, the right of privacy, or any other applicable privilege or
23 immunity. In the event of inadvertent disclosure of protected information, Plaintiff reserves the
24 right to demand its return without prejudice and without waiver.

25 **GENERAL OBJECTIONS**

26 Each General Objection is incorporated by reference into each specific response below.
27 Reiteration of a General Objection in a specific response is for emphasis only, and the absence of
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1 reiteration shall not be construed as a waiver of any General Objection. By responding, Plaintiff
2 does not concede that any requested information is relevant, discoverable, or admissible.

3 1. Plaintiff objects to each Request to the extent it seeks information prepared in
4 anticipation of litigation or trial or protected by the attorney-client privilege, the work-product
5 doctrine, the right of privacy, or any other applicable privilege or immunity. The Requests will
6 not be construed to seek such information, and the absence of a specific privilege objection shall
7 not be construed as a waiver.

8 2. Plaintiff objects to the Requests, including the definitions and instructions, to the
9 extent they seek to impose obligations beyond, or expand the scope of discovery permitted by, the
10 Federal Rules of Civil Procedure, the Local Rules, or any order of the Court.

11 3. Plaintiff objects to the Requests to the extent they are vague, ambiguous,
12 overbroad, or lack sufficient precision to permit a response. Plaintiff responds as it reasonably
13 understands and interprets each Request.

14 4. Plaintiff objects to each Request to the extent it seeks a legal conclusion.

15 5. Plaintiff objects to each Request, and to the definitions, to the extent they assume
16 the existence of facts that do not exist or the occurrence of events that did not take place, or assert
17 legal arguments or characterizations. No response shall be construed as an admission that any
18 factual or legal predicate stated in a Request is accurate.

19 6. Plaintiff objects to the Requests to the extent they seek confidential information of
20 third parties.

21 7. Plaintiff objects to the definition of "YOU," "YOUR," and "YOURS" as
22 overbroad, vague, and ambiguous to the extent it purports to encompass Plaintiff's attorneys and
23 other persons acting on Plaintiff's behalf, thereby seeking information protected by the attorney-
24 client privilege and work-product doctrine, and to the extent it includes entities Plaintiff does not
25 control. Plaintiff interprets these terms to refer to Entrepreneur Media, LLC, including its
26 Entrepreneur Press imprint.

27 8. Plaintiff objects to Defendant's use of the phrase "purportedly copyrighted works"
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1 in the definition of "ASSERTED WORKS." The Asserted Works are registered with the United
2 States Copyright Office, and Plaintiff does not accept any characterization implying doubt as to
3 the validity or existence of its copyrights. Plaintiff interprets "ASSERTED WORKS" to refer to
4 the copyrighted works identified in Plaintiff's Complaint and Rule 26 disclosures.

5 9. Plaintiff objects to each Request to the extent it calls upon Plaintiff to admit or
6 deny matters concerning Defendant's own conduct, systems, data, or internal operations, where
7 Plaintiff's ability to respond is materially constrained by the incomplete state of Defendant's
8 productions. As documented in the parties' conferral correspondence, Defendant has not fully
9 responded to Plaintiff's requests concerning, among other things, Defendant's training-data
10 practices, dataset acquisition and distribution, model development, and related conduct. Where
11 Plaintiff states that it cannot admit or deny after reasonable inquiry, that response reflects the
12 limitations imposed by Defendant's production deficiencies and the ongoing state of discovery,
13 not a concession on the merits.

14 10. Plaintiff objects to each Request to the extent it seeks an admission that Plaintiff
15 lacks documents or evidence within its own possession as to matters concerning Defendant's
16 conduct, third-party conduct, or the operation of peer-to-peer file-sharing networks. The evidence
17 concerning such matters resides principally with Defendant, with third parties, and in the
18 technical operation of the conduct at issue, and was in material part neither generated nor
19 preserved by Plaintiff. The absence of any such document or evidence in Plaintiff's own files is
20 therefore not probative of any element of any claim or defense, and no response shall be
21 construed to suggest otherwise.

22 11. Plaintiff objects to each Request to the extent it seeks to impose on Plaintiff any
23 burden to establish, disprove, or adduce evidence concerning whether any third party did or did
24 not make fair use, or any other statutorily privileged use, of any Asserted Work. Fair use under 17
25 U.S.C. § 107 is an affirmative defense on which the party asserting it bears the burden of proof.
26 Whether any third party's use was or was not fair is neither an element of Plaintiff's claims nor
27 Plaintiff's burden.
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12. Plaintiff objects to each Request to the extent it prematurely seeks the disclosure of expert opinions, analyses, or reliance materials protected under Rule 26(b)(4) and reserved to the schedule set by the operative Case Management Order.

Subject to the Preliminary Statement and General Objections outlined above and the more specific objections set forth below, Plaintiff responds as follows:

RESPONSES TO REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 166:

Admit that YOU cannot identify by name any THIRD PARTY who allegedly received from Meta via TORRENTING a copy of any of YOUR ASSERTED WORKS.

RESPONSE TO REQUEST FOR ADMISSION NO. 166:

In addition to General Objections Nos. 5 and 10, Plaintiff objects that this Request is immaterial to any claim or defense to the extent it implies that identification of an individual recipient by name is an element of, or a prerequisite to, third-party direct infringement or Meta's contributory liability; it is neither. Plaintiff further objects that the identities of individual BitTorrent peers who received portions of Plaintiff's works from Meta's seeding are within Meta's possession, custody, or control—reflected in Meta's torrent-client, seeding, and distribution data—and have not been fully produced. Subject to and without waiving the foregoing, Plaintiff admits only that it cannot presently identify, by name, a specific individual third party who received an Asserted Work from Meta via torrenting.

REQUEST FOR ADMISSION NO. 167:

Admit that YOU have no documents showing that a THIRD PARTY received from Meta via TORRENTING a complete READABLE copy of any of YOUR ASSERTED WORKS.

RESPONSE TO REQUEST FOR ADMISSION NO. 167:

Plaintiff incorporates General Objections No. 5 and No. 10. Subject to and without waiving those objections, and construing the Request as directed to complete copies (all pages of the Asserted Work present) as distinct from portions, Plaintiff admits that it has no documents showing that a third party received from Meta via torrenting a complete readable copy of an

1 Asserted Work. This admission concerns complete copies only and does not extend to portions of
2 the Asserted Works, which are addressed in Plaintiff's responses to RFAs 176 and 177.

3 **REQUEST FOR ADMISSION NO. 168:**

4 Admit that YOU have no documents showing that a THIRD PARTY received from Meta
5 via TORRENTING a copy of any section or portion of any of YOUR ASSERTED WORKS.

6 **RESPONSE TO REQUEST FOR ADMISSION NO. 168:**

7 Plaintiff incorporates General Objections No. 10 and No. 12. Subject to and without
8 waiving those objections, Plaintiff denies the Request. Documents produced in this Action,
9 including logs reflecting the rates at which Meta uploaded torrent files corresponding to the
10 datasets containing the Asserted Works to other peers, together with the analysis of Meta's
11 torrenting activity set forth in the report of Meta's expert filed in the related *Kadrey* action,
12 evidence that third parties received portions of the Asserted Works from Meta via torrenting; the
13 operation of the BitTorrent protocol and the subject of expert analysis served on the schedule set
14 by Rules 26(a)(2) and 26(b)(4), further establishes such receipt.

15 **REQUEST FOR ADMISSION NO. 169:**

16 Admit that YOU are unable to identify by name any THIRD PARTY who read a copy of
17 one of YOUR ASSERTED WORKS that the THIRD PARTY received from Meta via
18 TORRENTING.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 169:**

20 In addition to General Objections Nos. 5 and 10, Plaintiff further objects that whether any
21 third party read a received copy is immaterial: reading is not among the exclusive rights under 17
22 U.S.C. § 106, and Plaintiff's theory of third-party direct infringement rests on unauthorized
23 reproduction and distribution, not reading. Plaintiff further objects that the identities of individual
24 recipients are within Meta's possession, custody, or control and have not been fully produced.
25 Subject to and without waiving the foregoing, Plaintiff admits only that it cannot presently
26 identify, by name, a specific individual third party who read a copy of an Asserted Work received
27 from Meta via torrenting.

REQUEST FOR ADMISSION NO. 170:

Admit that YOU have no evidence of how any THIRD PARTY who allegedly received from Meta via TORRENING a copy of one of YOUR ASSERTED WORKS later used that copy.

RESPONSE TO REQUEST FOR ADMISSION NO. 170:

Plaintiff incorporates General Objections Nos. 5 and 10, and objects that this Request is directed to an immaterial matter: how a THIRD PARTY may have used a copy of an ASSERTED WORK after receiving it is neither an element of, nor material to, any of Plaintiff's claims, which rest on the unauthorized reproduction and distribution of the ASSERTED WORKS rather than on any recipient's subsequent use of a copy. Plaintiff further objects that "used" is undefined and vague and, for purposes of this response, construes it to mean a THIRD PARTY's subsequent consumptive or expressive use of a copy, as distinct from the reproduction and distribution of the ASSERTED WORKS addressed elsewhere in these responses.

Subject to and without waiving the foregoing, and on that construction, Plaintiff admits that it does not presently possess evidence of the manner in which any THIRD PARTY consumptively used a copy of an ASSERTED WORK received from Meta via TORRENTING. This admission is limited to a THIRD PARTY's subsequent consumptive or expressive use of a copy.

REQUEST FOR ADMISSION NO. 171:

Admit that YOU have no evidence showing that a THIRD PARTY who allegedly received from Meta via TORRENTING a copy of one of YOUR ASSERTED WORKS did not use that copy for purposes of commentary or criticism.

RESPONSE TO REQUEST FOR ADMISSION NO. 171:

Plaintiff incorporates General Objections Nos. 5, 10, and 11, and objects that this Request improperly seeks to impose on Plaintiff the burden of adducing evidence to negate a THIRD PARTY's affirmative defense. Whether a THIRD PARTY used a copy of an ASSERTED WORK for purposes of commentary or criticism implicates fair use under 17 U.S.C. § 107, which is an affirmative defense on which the party asserting it bears the burden of proof; it is neither an

1 element of Plaintiff's claims nor Plaintiff's burden to establish that a THIRD PARTY did not
2 make such a use. Plaintiff further objects that "used" is undefined and vague, and that the Request
3 seeks information concerning the conduct of anonymous THIRD PARTIES that is within those
4 PERSONS' knowledge and ascertainable, if at all, from records within Meta's possession,
5 custody, and control. Subject to and without waiving the foregoing, Plaintiff admits that it does
6 not presently possess evidence showing that a THIRD PARTY who received a copy of an
7 ASSERTED WORK from Meta via TORRENTING did not use that copy for purposes of
8 commentary or criticism. This admission is limited to the absence of such evidence in Plaintiff's
9 possession.

10 **REQUEST FOR ADMISSION NO. 172:**

11 Admit that YOU have no evidence showing that a THIRD PARTY who allegedly
12 received from Meta via TORRENTING a copy of one of YOUR ASSERTED WORKS did not
13 use that copy for a fair use purpose under 17 U.S.C. §107.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 172:**

15 Plaintiff incorporates General Objections Nos. 4, 5, 10, and 11, and objects that this
16 Request improperly seeks to impose on Plaintiff the burden of adducing evidence to negate a
17 THIRD PARTY's affirmative defense of fair use. Fair use under 17 U.S.C. § 107 is an affirmative
18 defense on which the party asserting it bears the burden of proof; whether any THIRD PARTY's
19 use of a copy was or was not a fair use is neither an element of Plaintiff's claims nor Plaintiff's
20 burden to establish. Plaintiff further objects that "used" is undefined and vague and, for purposes
21 of this response, construes it to mean a THIRD PARTY's subsequent consumptive or expressive
22 use of a copy, as distinct from the reproduction and distribution of the ASSERTED WORKS
23 addressed elsewhere in these responses; and that the Request seeks information concerning the
24 conduct of anonymous THIRD PARTIES that is within those PERSONS' knowledge and
25 ascertainable, if at all, from records within Meta's possession, custody, and control. Subject to and
26 without waiving the foregoing, and on that construction, Plaintiff admits that it does not presently
27 possess evidence showing that a THIRD PARTY who received a copy of an ASSERTED WORK
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1 from Meta via TORRENTING did not use that copy for a fair use purpose under 17 U.S.C. § 107.
2 Plaintiff does not, by this admission, admit that any THIRD PARTY made a fair use of an
3 ASSERTED WORK.

4 **REQUEST FOR ADMISSION NO. 173:**

5 Admit that YOU have not spoken with any THIRD PARTY who received from Meta via
6 TORRENTING a copy of any of YOUR ASSERTED WORKS.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 173:**

8 Plaintiff admits that it has not spoken with any third party who received from Meta via
9 torrenting a copy of any of the Asserted Works.

10 **REQUEST FOR ADMISSION NO. 174:**

11 Admit that YOU have not contacted any THIRD PARTY who received from Meta via
12 TORRENTING a copy of any of YOUR ASSERTED WORKS.

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 174:**

14 Plaintiff admits that it has not contacted any third party who received from Meta via
15 torrenting a copy of any of the Asserted Works.

16 **REQUEST FOR ADMISSION NO. 175:**

17 Admit that YOU have not identified any THIRD PARTY who received from Meta via
18 TORRENTING a copy of any of YOUR ASSERTED WORKS.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 175:**

20 In addition to General Objections Nos. 3 and 10, Plaintiff objects that "identified" is
21 ambiguous. Construed to require identification of an individual recipient by name, this Request is
22 duplicative of RFA 166, and Plaintiff responds as it did to RFA 166. Construed to ask whether
23 Plaintiff can establish that third parties received Asserted Works from Meta via torrenting,
24 Plaintiff denies the Request: the peer-to-peer mechanics of the BitTorrent protocol, under which
25 participants in the relevant swarms received portions of the Asserted Works from, and from data
26 made available by, Meta, together with Meta's own distribution conduct and data establish that
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1 third parties received the works. Plaintiff further objects that the data necessary to enumerate
2 those recipients is within Meta's possession, custody, or control and has not been fully produced.

3 **REQUEST FOR ADMISSION NO. 176:**

4 Admit that YOU are unable to identify any THIRD PARTY who received from Meta via
5 TORRENTING a copy of any of YOUR ASSERTED WORKS that engaged in direct copyright
6 infringement of the same ASSERTED WORK.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 176:**

8 In addition to General Objections Nos. 4 and 10, Plaintiff objects that this Request
9 improperly conflates the fact of third-party direct infringement with identification of an individual
10 infringer by name; identification of a third party by name is neither an element of direct
11 infringement nor a prerequisite to Meta's contributory liability. Plaintiff further objects that
12 information identifying individual swarm participants is within Meta's possession, custody, or
13 control and has not been fully produced. Subject to and without waiving the foregoing, Plaintiff
14 denies the Request. When Meta acquired datasets containing the Asserted Works from shadow
15 libraries via torrenting, other participants in the relevant swarms downloaded portions of the
16 Asserted Works from, and from data made available by, Meta; each such participant that
17 downloaded a portion of an Asserted Work thereby made an unauthorized reproduction of that
18 portion in violation of 17 U.S.C. § 106(1), and, to the extent such participants in turn uploaded
19 the data they received to further peers, they engaged in unauthorized distribution in violation of
20 17 U.S.C. § 106(3). None of these participants was authorized to reproduce or distribute the
21 Asserted Works. That infringement is established by the operation of the BitTorrent protocol and
22 by the data reflecting Meta's acquisition, independent of any individual participant's name.

23 **REQUEST FOR ADMISSION NO. 177:**

24 Admit that YOU cannot identify any direct copyright infringement committed by a
25 THIRD PARTY who allegedly received from Meta via TORRENTING any of YOUR
26 ASSERTED WORKS.

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RESPONSE TO REQUEST FOR ADMISSION NO. 177:

In addition to General Objections Nos. 4 and 10, Plaintiff further objects that the Request calls for a legal conclusion regarding what constitutes "direct copyright infringement." Subject to and without waiving the foregoing, Plaintiff denies the Request. Participants in the relevant swarms who downloaded portions of the Asserted Works from, and from data made available by, Meta made unauthorized reproductions of those portions in violation of 17 U.S.C. § 106(1), and, to the extent those participants uploaded the data they received to further peers, they made unauthorized distributions in violation of 17 U.S.C. § 106(3). These acts are established by the operation of the BitTorrent protocol and by the data reflecting Meta's acquisition of the Asserted Works.

REQUEST FOR ADMISSION NO. 178:

Admit that, for any of YOUR ASSERTED WORKS that were allegedly uploaded by Meta via TORRENTING, YOU have no evidence that YOUR ASSERTED WORKS were READABLE.

RESPONSE TO REQUEST FOR ADMISSION NO. 178:

In addition to General Objection No. 3, Plaintiff objects that "READABLE," as applied, is ambiguous, and construes the Request, consistent with its terms, as directed to whether the Asserted Works were in a form that can be perceived, understood, or interpreted by humans. Subject to and without waiving the foregoing, and on that construction, Plaintiff denies the Request.

REQUEST FOR ADMISSION NO. 179:

Admit that YOU have no documents evidencing that anybody read ANY of YOUR ASSERTED WORKS as a result of receiving that work from Meta via TORRENTING.

RESPONSE TO REQUEST FOR ADMISSION NO. 179:

In addition to General Objection No. 5, Plaintiff objects that this Request is immaterial: reading is not among the exclusive rights under 17 U.S.C. § 106, and Plaintiff premises no claim on any person's reading of an Asserted Work. Subject to and without waiving the foregoing, and

1 construing the Request as directed to the act of reading, Plaintiff admits that it has no documents
2 evidencing that anyone read an Asserted Work as a result of receiving that work from Meta via
3 torrenting.

4 **REQUEST FOR ADMISSION NO. 180:**

5 Admit that YOU do not know whether any THIRD PARTY read a copy of any of YOUR
6 ASSERTED WORKS that they received from Meta via TORRENTING.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 180:**

8 In addition to General Objection No. 5, Plaintiff objects that reading is not among the
9 exclusive rights under 17 U.S.C. § 106 and that Plaintiff premises no claim on any third party's
10 reading of an Asserted Work. Subject to and without waiving that objection, and construing this
11 Request as directed to the act of reading, Plaintiff admits that it does not know whether any third
12 party read a copy of an Asserted Work received from Meta via torrenting.

13 **REQUEST FOR ADMISSION NO. 181:**

14 Admit that YOU do not know whether any THIRD PARTY displayed a copy of any of
15 YOUR ASSERTED WORKS that they received from Meta via TORRENTING.

16 **RESPONSE TO REQUEST FOR ADMISSION NO. 181:**

17 In addition to General Objection Nos. 4 and 5, Plaintiff objects that Plaintiff premises no
18 claim on the public display right under 17 U.S.C. § 106(5) with respect to any third party's
19 conduct. Subject to and without waiving that objection, and construing this Request as directed to
20 the act of display, Plaintiff admits that it does not know whether any third party displayed a copy
21 of an Asserted Work received from Meta via torrenting.

22 **REQUEST FOR ADMISSION NO. 182:**

23 Admit that YOU do not know whether any THIRD PARTY redistributed a copy of any of
24 YOUR ASSERTED WORKS that they received from Meta via TORRENTING.

25 **RESPONSE TO REQUEST FOR ADMISSION NO. 182:**

26 In addition to General Objection No. 10, Plaintiff objects that the Request seeks an
27 admission of absence of knowledge as to a matter established by the operation of the peer-to-peer
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1 protocol by which Meta acquired the Asserted Works and by data within Meta's possession.
2 Subject to and without waiving that objection, Plaintiff denies the Request. The BitTorrent
3 protocol by which Meta acquired the Asserted Works operates through reciprocal uploading and
4 downloading among swarm participants; under the protocol's default operation, participants who
5 downloaded portions of an Asserted Work from, and from data made available by, Meta uploaded
6 those portions to further peers, thereby redistributing them without authorization. Plaintiff
7 accordingly knows, and denies that it does not know, that third parties redistributed portions of
8 the Asserted Works received from Meta via torrenting.

9 **REQUEST FOR ADMISSION NO. 183:**

10 Admit that YOU do not know whether any THIRD PARTY performed any of YOUR
11 ASSERTED WORKS that they received from Meta via TORRENTING.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 183:**

13 In addition to General Objection Nos. 4 and 5, Plaintiff objects that Plaintiff premises no
14 claim on the public performance right under 17 U.S.C. § 106(4) with respect to any third party's
15 conduct. Subject to and without waiving that objection, and construing this Request as directed to
16 the act of performance, Plaintiff admits that it does not know whether any third party performed
17 an Asserted Work received from Meta via torrenting.

18 **REQUEST FOR ADMISSION NO. 184:**

19 Admit that YOU do not know whether any THIRD PARTY made fair use of a copy of
20 any of YOUR ASSERTED WORKS that they received from Meta via TORRENTING.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 184:**

22 Plaintiff incorporates General Objections Nos. 4, 5, 10, and 11, and objects that this
23 Request improperly seeks to impose on Plaintiff the burden of resolving, or of possessing
24 knowledge concerning, a THIRD PARTY's affirmative defense of fair use. Fair use under 17
25 U.S.C. § 107 is an affirmative defense on which the party asserting it bears the burden of proof;
26 whether any THIRD PARTY made a fair use of a copy is a legal conclusion, is neither an element
27 of Plaintiff's claims nor Plaintiff's burden, and Plaintiff's knowledge or lack of knowledge
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1 concerning it bears on no element of any claim. Plaintiff further objects that "used" is undefined
2 and vague and, for purposes of this response, construes the Request to concern a THIRD
3 PARTY's subsequent consumptive or expressive use of a copy, as distinct from the reproduction
4 and distribution of the ASSERTED WORKS addressed elsewhere in these responses; and that the
5 conduct of anonymous THIRD PARTIES is within those PERSONS' knowledge and
6 ascertainable, if at all, from records within Meta's possession, custody, and control. Subject to and
7 without waiving the foregoing, and on that construction, Plaintiff admits that it does not know
8 whether any THIRD PARTY made a fair use, within the meaning of 17 U.S.C. § 107, of a copy
9 of an ASSERTED WORK received from Meta via TORRENTING. Plaintiff does not, by this
10 admission, admit that any THIRD PARTY made such a use, and states that whether any such use
11 was fair is not Plaintiff's burden to establish or to disprove.

12 **REQUEST FOR ADMISSION NO. 185:**

13 Admit that YOU do not know whether any THIRD PARTY'S use of any ASSERTED
14 WORK received from Meta via TORRENTING was not fair use.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 185:**

16 Plaintiff incorporates General Objections Nos. 4, 5, 10, and 11, and objects that whether
17 any THIRD PARTY's use of a copy was or was not a fair use under 17 U.S.C. § 107 is a legal
18 conclusion concerning an affirmative defense on which the asserting party bears the burden of
19 proof, and is neither an element of Plaintiff's claims nor a matter Plaintiff bears any burden to
20 know or to establish. Plaintiff further objects that "used" is undefined and construes the Request
21 to concern a THIRD PARTY's subsequent consumptive or expressive use of a copy, as distinct
22 from the reproduction and distribution of the ASSERTED WORKS addressed elsewhere in these
23 responses. Subject to and without waiving the foregoing, Plaintiff admits that it does not know
24 whether any THIRD PARTY's subsequent use of a copy of an ASSERTED WORK received from
25 Meta via TORRENTING was or was not a fair use, and states that it likewise does not know
26 whether any such use was made, its lack of knowledge running in both directions and concerning
27 conduct within those PERSONS' knowledge and within records in Meta's possession, custody,
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1 and control. Plaintiff does not, by this admission, admit that any THIRD PARTY made a fair use
2 of an ASSERTED WORK.

3 **REQUEST FOR ADMISSION NO. 186:**

4 Admit that YOU have no documents evidencing whether any THIRD PARTY read a copy
5 of any of YOUR ASSERTED WORKS that they received from Meta via TORRENTING.

6 **RESPONSE TO REQUEST FOR ADMISSION NO. 186:**

7 In addition to General Objection No. 5, Plaintiff objects that reading is not among the
8 exclusive rights under 17 U.S.C. § 106 and that Plaintiff premises no claim on any third party's
9 reading of an Asserted Work. Subject to and without waiving that objection, and construing this
10 Request as directed to the act of reading, Plaintiff admits that it has no documents evidencing
11 whether any third party read a copy of an Asserted Work received from Meta via torrenting.

12 **REQUEST FOR ADMISSION NO. 187:**

13 Admit that YOU have no documents evidencing whether any THIRD PARTY displayed a
14 copy of any of YOUR ASSERTED WORKS that they received from Meta via TORRENTING.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 187:**

16 In addition to General Objection Nos. 4 and 5, Plaintiff objects that Plaintiff premises no
17 claim on the public display right under 17 U.S.C. § 106(5) with respect to any third party's
18 conduct. Subject to and without waiving that objection, and construing this Request as directed to
19 the act of display, Plaintiff admits that it has no documents evidencing whether any third party
20 displayed a copy of an Asserted Work received from Meta via torrenting.

21 **REQUEST FOR ADMISSION NO. 188:**

22 Admit that YOU have no documents evidencing whether any THIRD PARTY
23 redistributed a copy of any of YOUR ASSERTED WORKS that they received from Meta via
24 TORRENTING.

25 **RESPONSE TO REQUEST FOR ADMISSION NO. 188:**

26 In addition to General Objections Nos. 5 and 10, Plaintiff objects that the Request
27 concerns the conduct of anonymous third parties and the operation of peer-to-peer networks, as to
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1 which evidence resides principally with those persons, with Meta, and in the technical operation
2 of the conduct at issue, and was neither generated nor preserved by Plaintiff. Subject to and
3 without waiving the foregoing, and construing the Request as directed to documents evidencing a
4 third party's redistribution to further peers of a copy that the third party had received from Meta,
5 as distinct from documents evidencing Meta's own transmission of the Asserted Works or a third
6 party's receipt of them, Plaintiff admits that it does not presently possess documents evidencing
7 whether a third party redistributed a copy of an Asserted Work that the third party received from
8 Meta via torrenting.

9 **REQUEST FOR ADMISSION NO. 189:**

10 Admit that YOU have no documents evidencing whether any THIRD PARTY performed
11 any of YOUR ASSERTED WORKS that they received from Meta via TORRENTING.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 189:**

13 In addition to General Objection Nos. 4 and 5, Plaintiff objects that Plaintiff premises no
14 claim on the public performance right under 17 U.S.C. § 106(4) with respect to any third party's
15 conduct. Subject to and without waiving that objection, and construing this Request as directed to
16 the act of performance, Plaintiff admits that it has no documents evidencing whether any third
17 party performed an Asserted Work received from Meta via torrenting.

18 **REQUEST FOR ADMISSION NO. 190:**

19 Admit that YOU have no documents evidencing whether any THIRD PARTY made fair
20 use of a copy of any of YOUR ASSERTED WORKS that they received from Meta via
21 TORRENTING.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 190:**

23 Plaintiff incorporates General Objections Nos. 4, 5, 10, and 11, and objects that whether
24 any THIRD PARTY made fair use of a copy implicates an affirmative defense under 17 U.S.C. §
25 107 on which the party asserting it bears the burden of proof, and that it is neither an element of
26 Plaintiff's claims nor Plaintiff's burden to adduce documents concerning such use. Plaintiff further
27 objects that "used" is undefined and construes the Request to concern a THIRD PARTY's
28

1 subsequent consumptive or expressive use of a copy, as distinct from the reproduction and
2 distribution of the ASSERTED WORKS addressed elsewhere in these responses. Subject to and
3 without waiving the foregoing, Plaintiff admits that it does not possess documents evidencing
4 whether any THIRD PARTY made a fair use of a copy of an ASSERTED WORK received from
5 Meta via TORRENTING. Plaintiff does not, by this admission, admit that any THIRD PARTY
6 made such a use.

7 **REQUEST FOR ADMISSION NO. 191:**

8 Admit that YOU have no documents evidencing that any THIRD PARTY'S use of any
9 ASSERTED WORK received from Meta via TORRENTING was not fair use.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 191:**

11 Plaintiff incorporates General Objections Nos. 4, 5, 10, and 11, and objects that this
12 Request implicates a THIRD PARTY's affirmative defense of fair use under 17 U.S.C. § 107, on
13 which the asserting party bears the burden of proof, and that Plaintiff bears no burden to adduce
14 documents establishing that any THIRD PARTY's use was or was not fair. Plaintiff further
15 objects that "used" is undefined and construes the Request to concern a THIRD PARTY's
16 subsequent consumptive or expressive use of a copy, as distinct from the reproduction and
17 distribution of the ASSERTED WORKS addressed elsewhere in these responses. Subject to and
18 without waiving the foregoing, Plaintiff admits that it does not possess documents evidencing
19 whether any THIRD PARTY's subsequent use of a copy of an ASSERTED WORK received from
20 Meta via TORRENTING was or was not a fair use.

21 **REQUEST FOR ADMISSION NO. 192:**

22 Admit that YOU cannot identify how many complete copies of YOUR ASSERTED
23 WORKS were allegedly distributed by Meta via TORRENTING to any THIRD PARTY.
24 Complete means all pages of the ASSERTED WORK are present.

25 **RESPONSE TO REQUEST FOR ADMISSION NO. 192:**

26 Plaintiff incorporates General Objections No. 5 and No. 10. Subject to and without
27 waiving those objections, and construing the Request as directed to complete copies (all pages of
28

1 the Asserted Work present) as distinct from portions, Plaintiff admits that it cannot presently
2 identify the number of complete copies of the Asserted Works distributed by Meta via torrenting
3 to third parties.

4 **REQUEST FOR ADMISSION NO. 193:**

5 Admit that YOU cannot identify any complete copy of YOUR ASSERTED WORKS that
6 was distributed by Meta via TORRENTING to a THIRD PARTY.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 193:**

8 Plaintiff incorporates General Objections Nos. 5 and 10. Subject to and without waiving
9 those objections, and construing the Request as directed to complete copies (all pages of the
10 Asserted Work present) as distinct from portions, Plaintiff admits that it cannot presently identify
11 any complete copy of an Asserted Work distributed by Meta via torrenting to a third party.

12 **REQUEST FOR ADMISSION NO. 194:**

13 Admit that YOU have no documents evidencing that YOU lost any book sales because of
14 Meta's alleged distribution via TORRENTING to a THIRD PARTY of YOUR ASSERTED
15 WORKS.

16 **RESPONSE TO REQUEST FOR ADMISSION NO. 194:**

17 In addition to General Objections Nos. 5, 10, and 12, Plaintiff objects that the Request
18 rests on a false premise to the extent it assumes that Plaintiff's market harm is measured by, or
19 documented as, book sales lost to identified third-party torrent recipients. Plaintiff's damages arise
20 from Meta's unauthorized reproduction, distribution, and use of the Asserted Works, including
21 Meta's distribution of the Asserted Works into peer-to-peer swarms, and are not measured by
22 tracing individual lost sales to individual recipients. Plaintiff further objects that "because of" is
23 undefined and vague. Subject to and without waiving the foregoing, and construing the Request
24 as directed solely to documents tracing particular lost book sales to particular third parties' receipt
25 of the Asserted Works from Meta via torrenting, Plaintiff admits that it does not presently possess
26 such documents.

27 ///

REQUEST FOR ADMISSION NO. 195:

Admit that YOU have no documents evidencing that YOU lost any revenue because of Meta's alleged distribution via TORRENTING to a THIRD PARTY of YOUR ASSERTED WORKS.

RESPONSE TO REQUEST FOR ADMISSION NO. 195:

In addition to General Objections Nos. 5, 10, and 12, Plaintiff objects that the Request rests on a false premise to the extent it assumes that Plaintiff's market harm is measured by, or documented as, revenue lost to identified third-party torrent recipients. Plaintiff's damages arise from Meta's unauthorized reproduction, distribution, and use of the Asserted Works, including Meta's distribution of the Asserted Works via peer-to-peer file sharing, and are not measured by tracing individual revenue losses to individual recipients. Plaintiff further objects that "because of" is undefined and vague. Subject to and without waiving the foregoing, and construing the Request as directed solely to documents tracing particular lost revenue to particular third parties' receipt of the Asserted Works from Meta via torrenting, Plaintiff admits that it does not presently possess such documents.

REQUEST FOR ADMISSION NO. 196:

Admit that YOU are unable to calculate any revenue lost because of Meta's alleged distribution via TORRENTING to a THIRD PARTY of YOUR ASSERTED WORKS.

RESPONSE TO REQUEST FOR ADMISSION NO. 196:

In addition to General Objections Nos. 5 and 12, Plaintiff objects that the Request rests on a false premise to the extent it assumes that Plaintiff's revenue loss is measured or calculated by reference to particular third-party torrent recipients. Plaintiff's damages arise from Meta's unauthorized reproduction, distribution, and use of the Asserted Works, including Meta's distribution of the Asserted Works via peer-to-peer file sharing; their calculation is the subject of expert analysis reserved to the schedule set by Rules 26(a)(2) and 26(b)(4) and not yet due. Plaintiff further objects that "because of" is undefined and vague. Subject to and without waiving the foregoing, and construing the Request as directed solely to the calculation of revenue lost as a

consequence of particular third parties' receipt of the Asserted Works from Meta via torrenting, Plaintiff admits that it cannot presently perform such a recipient-specific calculation.

REQUEST FOR ADMISSION NO. 197:

Admit that YOU are unable to identify a specific subscription that YOU lost because of Meta's alleged distribution via TORRENTING to a THIRD PARTY of YOUR ASSERTED WORKS.

RESPONSE TO REQUEST FOR ADMISSION NO. 197:

In addition to General Objections Nos. 5 and 12, Plaintiff objects that the Request rests on a false premise to the extent it assumes that Plaintiff's market harm depends on, or is measured by, the identification of particular subscriptions lost to identified third-party torrent recipients. Plaintiff's damages arise from Meta's unauthorized reproduction, distribution, and use of the Asserted Works, including Meta's distribution of the Asserted Works via peer-to-peer file sharing, and are not measured by identifying individual lost subscriptions. Plaintiff further objects that "because of" is undefined and vague. Subject to and without waiving the foregoing, and construing the Request as directed solely to a specific subscription lost as a consequence of a particular third party's receipt of an Asserted Work from Meta via torrenting, Plaintiff admits that it cannot identify such a subscription.

REQUEST FOR ADMISSION NO. 198:

Admit that YOU are unable to identify a specific book sale that YOU lost because of Meta's alleged distribution via TORRENTING to a THIRD PARTY of YOUR ASSERTED WORKS.

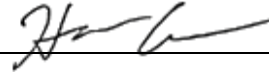
RESPONSE TO REQUEST FOR ADMISSION NO. 198:

In addition to General Objections Nos. 5 and 12, Plaintiff objects that the Request rests on a false premise to the extent it assumes that Plaintiff's market harm depends on, or is measured by, the identification of particular book sales lost to identified third-party torrent recipients. Plaintiff's damages arise from Meta's unauthorized reproduction, distribution, and use of the Asserted Works, including Meta's distribution of the Asserted Works via peer-to-peer file sharing,

1 and are not measured by identifying individual lost sales. Plaintiff further objects that "because
2 of" is undefined and vague. Subject to and without waiving the foregoing, and construing the
3 Request as directed solely to a specific book sale lost as a consequence of a particular third party's
4 receipt of an Asserted Work from Meta via torrenting, Plaintiff admits that it cannot identify such
5 a sale.

6
7 Dated: July 20, 2026

HUESTON HENNIGAN LLP

8
9 By: 

10 Moez M. Kaba
Michael M. Purpura
Lee Linderman

11 NEWMEYER & DILLION LLP
12 Michael B. McClellan
13 Benjamin P. Pugh
14 Jason L. Morris
Harlye S. Carlton

15 *Attorneys for Plaintiff*
16 *ENTREPRENEUR MEDIA, LLC*

VERIFICATION

1 I have read the foregoing PLAINTIFF ENTREPRENEUR MEDIA, LLC's RESPONSES
2 TO DEFENDANT META PLATFORMS, INC.'S REQUEST FOR ADMISSIONS, SET THREE
and know its contents.

3 I am President of ENTREPRENEUR MEDIA, LLC, a party to this action, and am
4 authorized to make this verification for and on its behalf, and I make this verification for that
5 reason. I am informed and believe and on that ground allege that the matters stated in the
foregoing document are true.

6 I declare under penalty of perjury under the laws of the State of California that the
7 foregoing is true and correct.

8 Executed on July 20, 2026, at New York, New York.

9
10
11 Bill Shaw

12 Print Name of Signatory



Signature

PROOF OF SERVICE

Entrepreneur Media, LLC v. Meta Platforms, Inc.
Northern District Court San Francisco Division Case No. 3:25-cv-09579-VC

STATE OF CALIFORNIA, COUNTY OF CONTRA COSTA

I, Nakia Shortz, declare:

I am a citizen of the United States and employed in Contra Costa County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 2033 N. Main Street, Suite 500, Walnut Creek, CA 94596. My business email address is Nakia.Shortz@ndlf.com. On July 20, 2026, I served true copies of the within document(s):

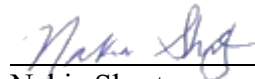
PLAINTIFF'S RESPONSES AND OBJECTIONS TO DEFENDANT'S THIRD SET OF REQUESTS FOR ADMISSION

BY E-MAIL: I electronically transmitted the above document(s) to the person(s) at the e-mail address(es) listed in the Service List below.

Please see attached service list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 20, 2026, at Walnut Creek, California.



Nakia Shortz

SERVICE LIST***Entrepreneur Media, LLC v. Meta Platforms, Inc.*****Northern District Court San Francisco Division Case No. 3:25-cv-09579-VC**

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