

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

INSTALLATION SOFTWARE TECHNOLOGIES,)	
INC. d/b/a INSTALLSHIELD SOFTWARE)	
CORPORATION,)	
)	
Plaintiff,)	No. 03 C 4502
)	
v.)	Judge Coar
)	
WISE SOLUTIONS, INC.,)	Magistrate Judge Denlow
)	
Defendant.)	

**PLAINTIFF'S FIRST SET OF EXPEDITED DOCUMENT REQUESTS TO
DEFENDANT WISE SOLUTIONS, INC.**

Plaintiff, INSTALLATION SOFTWARE TECHNOLOGIES, INC. d/b/a
INSTALLSHIELD SOFTWARE CORP. ("InstallShield"), hereby requests Defendant, WISE
SOLUTIONS, INC., to respond to the following expedited document production requests
pursuant to Rule 33 of the Federal Rules of Civil Procedure, within the time frame ordered by the
Court or otherwise governed by the Federal Rules of Civil Procedure.

DEFINITIONS AND INSTRUCTIONS

For purposes of this discovery, the following definitions and instructions apply:

1. "InstallShield" as used herein shall mean Installation Software Technologies, Inc.,
d/b/a InstallShield Software Corp., and its respective agents, parent entities, and subsidiaries, and
any and all past or present officers, directors, partners, employees, agents, representatives,
attorneys, or other persons or entities acting or purporting to act for, on behalf of, or with these
entities.

2. "Wise" as used herein shall mean defendant Wise Solutions, Inc., and its
respective agents, parent entities, and subsidiaries, and any and all past or present officers,

directors, partners, employees, agents, representatives, attorneys, or other persons or entities acting or purporting to act for, on behalf of, or with these entities.

3. "Computer" as used herein shall include, but is not limited to, microchips, microcomputers, personal computers, laptop computers, portable computers, notebook computers, palmtop computers (also known as personal digital assistants or PDAs), minicomputers, mainframe computers and servers.

4. "Electronic data" as used herein means the original (or identical duplicate when the original is not available), and any non-identical copies (whether non-identical because of notes made on copies or attached comments, annotations, marks, transmission notations, or highlighting of any kind) of writings of every kind and description whether inscribed by mechanical, facsimile, electronic, magnetic, digital or other means. Electronic data includes, by way of example only, computer programs (whether private, commercial or work-in-progress), programming notes or instructions, activity listings of electronic mail receipts and/or transmittals, output resulting from the use of any software program, including word processing documents, spreadsheets, database files, charts, graphs and outlines, electronic mail, operating systems, source code of all types, peripheral drivers, PIF files, batch files, ASCII files, and any and all miscellaneous files and/or file fragments, regardless of the media on which they reside and regardless of whether said electronic data consists in an active file, deleted file or file fragment. Electronic data includes any and all items stored on computer memories, hard disks, floppy disks, CD-ROMs, removable media such as Zip disks, Jaz cartridges, Bernoulli Boxes and their equivalent, magnetic tapes of all types, microfiche, punched cards, punched tape, computer chips, including, but not limited to EPROM, PROM, RAM or ROM, on or in any other vehicle for digital data storage and/or transmittal. The term electronic data also includes the file,

folder tables and/or containers and labels appended to, or associated with, any physical storage device associated with each original and/or copy.

5. “Person” as used herein shall mean individuals, corporations, partnerships, associations, joint ventures, firms and other business enterprises or legal entities, and includes both the singular and the plural thereof.

6. “Communication” and “communications” as used herein shall mean any meeting, conversation, discussion, telex, message, cable, correspondence, e-mail message, voice mail message, or other occurrence whereby thoughts, opinions or data are transmitted between or among one or more persons and any photographic or mechanical device or devices for receiving, transmitting, or storing data or other information.

7. “And” and “or” as used herein shall be interpreted and construed as “and/or,” and shall not be interpreted to exclude any information otherwise within the scope of any request.

8. The phrases “relate” or “refer” and “relating” or “referring” as used herein mean containing, recording, alluding to, responding to, commenting upon, discussing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing or characterizing, either directly or indirectly, in whole or in part.

9. “Documents” as used herein shall be construed in its broadest sense, and shall include any and all materials within the scope of Rule 34 of the Federal Rules of Civil Procedure, including originals, copies, non-identical copies (whether different from the original because of any authorization, additions, deletions, attachments, notes, or comments or other differences), and drafts or other preparatory materials, whether used, circulated, published or not. The term “documents” means all written, typed, printed, recorded or graphic matter of any kind or character, in your possession, custody or control, including, but not limited to, the following:

papers, writings, contracts, certificates, agreements, letters, correspondence, telegrams, mailgrams, telexes, telecopies, messages, bulletins, notices, notes (personal or otherwise), memoranda, reports, studies, analyses, charts, graphs, statements, transcripts of testimony, affidavits, interviews, notebooks, diaries, logs, minutes, calendars, appointment books, desk pads, forms, pamphlets, books, records, manuals, work papers, worksheets, financial statements or reports, accounting books and records, bank statements, deposit and withdrawal records, checks, vouchers, purchase orders, bills, invoices, receipts, photographs, microfilm, microfiche, films, videotapes, visual recordings, tape or voice records, voice mail recordings, electronic mail (e-mail), computer printouts and drawings, any data compilation in any electronically stored form from which information can be obtained or translated through detection devices into a reasonably usable form, and all other writings or documentary materials.

10. “Electronic media” as used herein means any magnetic or other storage media device used to record electronic data. Electronic media devices may include, but are not limited to, computer memories, hard disks, floppy disks, CD-ROM, removable media such as Bernoulli Boxes and their equivalent, magnetic tapes of all types, microfiche, punched cards, punched tape, computer chips, including, but not limited to EPROM, PROM, RAM and ROM, or on or in any other vehicle for digital data storage and/or transmittal.

11. More than one paragraph of this request may ask for the same document. The presence of such duplication is not to be interpreted to narrow or limit the normal interpretation placed on each individual request. Where a document is requested in more than one numbered paragraph, only non-identical copies of the document need be produced.

12. If any document or identification of any document or oral communication is withheld under a claim of privilege or work product, in order that the Court and the parties may

determine the validity of the claim of privilege or work product, furnish a list identifying each document for which a privilege is claimed, together with the following information for each such document: type of document (*e.g.*, letter, memorandum, handwritten notes), date, author or sender, recipient, persons to whom copies were furnished, job title or positions of each of these persons, subject matter of the document, number of pages in the document, the basis of the claim of privilege or work product, the paragraph or paragraphs of this request to which the document responds, and whether any matter that is not privileged or not work product is discussed or mentioned in the document.

DOCUMENT REQUESTS

1. Produce any and all documents relating or referring to access to InstallShield's computers, servers and/or electronic data by Wise.
2. Produce any and all documents relating or referring to any requests directed to another Wise employee or anyone acting on Wise's behalf to access a computer belonging to an entity other than Wise.
3. Produce any and all hard drives of the computers used to access InstallShield's computers, servers and/or electronic data for imaging.
4. Produce any and all hard drives of any computers that received and/or stored computer files, documents or other information or data derived, in whole or in part, from InstallShield's computers, servers and/or electronic data for imaging.
5. Produce any and all documents identifying or describing any and all electronic media that contains data from the hard drives of any computers that received and/or stored computer files, electronic data or other information derived, in whole or in part, from InstallShield's computers, servers and/or electronic data.

6. Produce any and all electronic data, documents, information or other data of any kind downloaded from any of InstallShield's computers or servers.

7. Produce any and all documents relating to any and all plans, communications, discussions, or actions by Wise that directly or indirectly concern access to InstallShield's computers during the period from January 1, 2000 through and to the present date.

8. Produce any and all documents relating to any and all plans, communications, discussions, or actions by Wise that directly or indirectly concern procuring or using in any way the usernames and/or passwords of any InstallShield employees.

9. Produce any and all document or data storage, backup, archiving or file retention policies in place at Wise Solutions during the period from January 1, 2000 through and to the present date, including, without limitation, retention plans, guidelines, rules, standards, protocols, policies and procedures.

10. Produce documents sufficient to describe the full layout and configuration of Wise's computer hardware and software systems and networks during the period from January 1, 2000 through and to the present date, including, without limitation, all mainframes, mini-computers, local area network and wide area network servers, desktop and laptop computers in use at Wise's premises, and home computers used by Wise's employees for work on behalf of Wise.

11. Produce documents sufficient to describe any Internet gateways or software used to connect Wise's computer system with the Internet.

12. Produce documents sufficient to describe each and every computer and electronic device used by Wise that has the capability to access the Internet and download electronic data

therefrom and that is now or has been at any time connected to the Internet during the period from January 1, 2000 through and to the present date.

13. Produce any and all documents depicting or reflecting the corporate structure of Wise during the period from January 1, 2000 through and to the present date, including, without limitation, any and all organization charts.

14. Produce any and all documents relating or referring to Wise's advertising campaign "Cast Your .Net Far and Wise," including, without limitation, any and all mailing pieces sent by Wise as part of that campaign.

15. Produce any and all documents relating or referring to the mailing list for Wise's advertising campaign "Cast Your .Net Far and Wise."

16. Produce any and all documents related to or reflecting any and all marketing campaigns, advertising campaigns, and/or marketing or advertising strategies during the period from January 1, 2000 through and to the present date, including, without limitation, any and all such campaigns or strategies designed to target current or former InstallShield customers and the "Cast Your .Net Far and Wise" advertising campaign.

17. Produce complete and accurate copies of any and all marketing and sales literature sent by Wise to current or potential customers during the period from January 1, 2000 through and to the present date.

18. Produce any and all documents related to or reflecting any and all IP addresses registered to or by, owned by, controlled by, or used by Wise during the period from January 1, 2000 through and to the present date.

19. Produce any and all documents related to or reflecting any changes made to any of Wise's customer lists and/or databases, mailing lists and/or databases during the period from January 1, 2000 through and to the present date.

20. Produce any and all documents sent by Wise to one or more of the following persons:

- (a) Ruth Ladecky;
- (b) Friendship Communications;
- (c) Gordon French;
- (d) Make Me Rich Dot Com;
- (e) Viresh Bhatia; and
- (f) Kelley Firkins.

21. Produce any and all documents relating to any effort by Wise to communicate with one or more of the following persons:

- (a) Ruth Ladecky;
- (b) Friendship Communications;
- (c) Gordon French;
- (d) Make Me Rich Dot Com;
- (e) Viresh Bhatia; and
- (f) Kelley Firkins.

22. Produce any and all documents relating to any and all communications between Wise and either Jill Kawell or Leykun Mehret.

23. Produce any and all documents related to communications between Wise and the Internet Operations Center regarding the following IP addresses during the period from January 1, 2000 through and to the present date:

- (a) 209.104.132.121;
- (b) 209.104.150.2; and
- (c) 209.104.150.4.

24. Produce any and all documents or electronic data turned over by Wise to the U.S. Attorney or the Federal Bureau of Investigations in connection with the investigation into this case.

25. Produce any and all communications between Wise, or anyone acting on Wise's behalf, and any actual or potential customers that were identified from any customer list (such as the 103,000 customer list and 6,000 customer list described in the Verified Complaint for Injunctive and Other Relief), document, file, or other data obtained from Installshield's computers, along with any and all documents related thereto.

26. Produce any and all documents relating or referring to any products sold by Wise to any persons identified from any customer list (such as the 103,000 customer list and 6,000 customer list described in the Verified Complaint for Injunctive and Other Relief), document, file, or other data obtained from Installshield's computers.

27. Produce any and all documents relating or referring to any revenue obtained by Wise from any persons identified from any customer list (such as the 103,000 customer list and 6,000 customer list described in the Verified Complaint for Injunctive and Other Relief), document, file, or other data obtained from Installshield's computers.

28. Produce any and all documents relating or referring to the identity of any person employed by Wise or acting on Wise's behalf who contacted or communicated with any persons identified from any customer list (such as the 103,000 customer list and 6,000 customer list described in the Verified Complaint for Injunctive and Other Relief), document, file, or other data obtained from Installshield's computers.

29. Produce any and all documents relating or referring to the development of any products marketed by marketed by Wise that are designed to permit InstallShield users to easily switch from one or more of InstallShield's products to one or more products sold by Wise, including, without limitation, Wise for Windows Installer.

30. Produce any and all documents relating or referring to the development of Wise's product PackageStudio 5.0.

31. Produce documents sufficient to describe the method and means by which Wise performs ongoing operation, maintenance, data security, expansion, backup and upkeep of its computer systems.

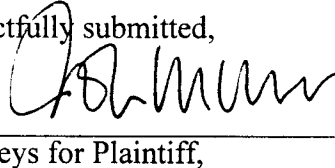
32. Produce any and all documents referring to or reflecting the following information concerning data backups performed on all computer systems used in Wise's organization:

- (a) any and all procedures and/or devices used to backup the software and/or data, including, but not limited to, name(s) of backup software used, tape rotation schedule, type of backup drives including name and version number;
- (b) the number of generations of backups that are maintained, how many and whether the backups are full or incremental;
- (c) the location where the backup storage media is kept and the process by which it is retrieved;

- (d) the identities of each and every person who, during the period from January 1, 2000 through and to the present date, conducts or has conducted the backup;
- (f) the type of information that is backed up; and
- (g) for each backup set, regardless of the magnetic media on which they reside, the current location, custodian, date of backup and content.

Dated: June 30, 2003

Respectfully submitted,



Attorneys for Plaintiff,
INSTALLATION SOFTWARE
TECHNOLOGIES, d/b/a INSTALLSHIELD
SOFTWARE CORPORATION

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