

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

AUBURN UNIVERSITY,)	
)	
Plaintiff,)	
v.)	CASE NO. 3:09-cv-694-MEF
)	(WO)
INTERNATIONAL BUSINESS)	
MACHINES, CORP.,)	
)	
Defendant.)	

DISCOVERY ORDER

It is hereby ORDERED that:

Based on the parties' conference and agreed-upon deadline, IBM will provide to Auburn by no later than December 30, 2011, the following documents and information:

1. All "T2 letters" applicable to any "Cell" products made by (or at the direction of) IBM for Sony since March 2007.
2. Non-duplicative reliability models (i.e., spreadsheets) similar to those produced by IBM in connection with other accused products, including any Weibull models, applicable to any "Cell" products made by (or at the direction of) IBM for Sony since March 2007.
3. A supplemental response to Auburn's Interrogatory No. 23,¹ identifying any portions of source code that are responsible for, designed for, or capable of implementing nearest neighbor or repair-based testing in connection with any "Cell" products made by (or at the direction of) IBM for Sony since March 2007.

¹ Auburn's Interrogatory No. 23, served on March 21, 2011, states in relevant part: "Separately for each IBM product, identify the portions of the source code for each test program IBM has made, used, sold, offered for sale, or imported since 2001 (inclusive) that, when executed, makes or implements testing determinations or strategies based at least in part on either a count of a number of repairs made to, or determined to be necessary for, a given integrated circuit die or, with respect to a given integrated circuit die, a count of a number of defective integrated circuit die from the same wafer that are or were located adjacent to and/or neighboring the given integrated circuit die. For example, with respect to the P6 product, this interrogatory calls for [REDACTED]."

