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 14 NUANCE COMMUNICATIONS, INC.

15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA  
 17 SAN FRANCISCO DIVISION

18 NUANCE COMMUNICATIONS, INC., )  
 Plaintiff, )  
 19 v. )  
 20 ABBYY SOFTWARE HOUSE, et al., )  
 Defendants. )  
 21 )  
 22 )  
 23 )  
 24 )  
 25 )  
 26 )

Case No.: 3:08-cv-02912 JSW MEJ  
**WRITTEN REQUEST FOR A  
 TELEPHONIC CONFERENCE OR  
 ALTERNATIVE PROCEDURE TO  
 SATISFY THE COURT'S MEET  
 AND CONFER REQUIREMENT  
 PURSUANT TO PARAGRAPH 3 OF  
 THE DISCOVERY STANDING  
 ORDER**  
 Before: Hon. Maria-Elena James  
 Chief Magistrate Judge

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1 Nuance Communications, Inc. (“Nuance”) respectfully requests a telephonic conference  
2 for the purpose of enforcing the Court’s December 21, 2009 order to meet and confer, or for the  
3 Court to fashion an alternative procedure, pursuant to Paragraph 3 of the Discovery Standing  
4 Order.

5 On December 21, 2009, the Court granted the substantive request of Nuance’s motion for  
6 letters rogatory. The Court also noted that, “However, as to the procedural mechanism for  
7 production that Plaintiff requests, the Court agrees with Defendant that the motion fails to  
8 provide the necessary safeguards for the protection of the confidentiality of the information  
9 sought. Accordingly, the Court hereby ORDERS the parties to meet and confer, and thereafter  
10 file a stipulated protective order for the undersigned’s consideration regarding production of the  
11 requested materials.” The next day, in compliance with the Court’s order, Nuance sent ABBYY  
12 USA a draft of the protective order and offered to meet and confer on the following days. See  
13 Song Decl. ¶ 2.

14 However, ABBYY USA continues to delay the meet and confer process and evades  
15 providing comments on Nuance’s draft protective order or proposing any protective measures or  
16 a draft protective order of its own. See Song Decl. ¶¶ 3-6 & Exs. A-B. Further, to the extent  
17 ABBYY USA has any concerns about the transfer of source code and technical information from  
18 its foreign affiliates ABBYY Production LLC and ABBYY Software, Ltd. to this Court through  
19 the usual procedures, Nuance proposed that ABBYY USA’s foreign affiliates may transfer those  
20 items directly to ABBYY USA. ABBYY USA has not given any reasons why this proposal is  
21 insufficient nor offered its own.

22 Accordingly, Nuance requests that the Court enter an order requiring ABBYY USA to  
23 provide all comments to the draft protective order by ~~Monday, January 25, 2010~~<sup>January 27, 2010</sup>, so that any  
24 disagreements may be narrowed down and presented to the Court in a joint letter by Thursday,  
25 ~~January 28, 2010~~<sup>February 2, 2010</sup>. In the event the parties agree, a stipulated protective order is to be filed with  
26 the Court by ~~January 28, 2010~~<sup>February 2, 2010</sup>.

27 Nuance further requests that the order require ABBYY USA to state its reasons as to why  
28 ABBYY USA may not receive technical documents and source code directly from its parent

1 corporation ABBYY Software, Ltd. and its affiliate ABBYY Production LLC and present its  
2 own proposal.

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5 Dated: January 19, 2010

WILSON SONSINI GOODRICH & ROSATI  
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8 By: /s/ S. Michael Song  
S. Michael Song

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