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UNITED STATES DISTRICT COURT
Northern District of California

NUANCE COMMUNICATIONS, INC.,

Plaintiff,

v.

ABBYY SOFTWARE HOUSE, et al.

Defendants.

No. C 08-2912 JSW (MEJ)

**ORDER AFTER TELEPHONIC
DISCOVERY CONFERENCE RE
DKT. ## 171, 172**

On February 23, 2010, the Court held a telephonic conference regarding the discovery disputes presented in the parties' joint discovery dispute letters, filed January 28, 2010 (Dkt. #171), and February 2, 2010 (Dkt. #172). Pursuant to discussions at February 23 hearing, the Court now ORDERS as follows.

- 1) Defendant ABBYY USA SOFTWARE HOUSE ("ABBYY USA") shall submit a formal written request to the Russian entity ABBYY Production, requesting that it produce the disputed source code to ABBYY USA under the terms of the licensing agreement between the two entities. The formal written request shall contain a provision requesting that ABBYY Production produce the disputed source code directly to ABBYY USA, rather than to a third party escrow agent.
- 2) Prior to submitting its request to the Russian entity, ABBYY USA shall submit its proposed request to Plaintiff Nuance Communications, Inc. ("Nuance") for approval as to form and content. ABBYY USA shall submit its request to Nuance by February 26, 2010 at 2:00 p.m. If necessary, the parties shall then meet and confer in a good faith effort to reach an agreement regarding the form and content of ABBYY USA's proposed request.


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- 3) The parties shall then file the proposed request as part of a stipulation and proposed order for the Court's approval on March 2, 2010. The parties' stipulation shall state that they agree as to the form of the request, and the proposed order shall simply state that the Court approves of the form of the request. ABBYY USA's request to the Russian entity shall not include an order from the Court - it shall be a separate document.
- 4) ABBYY USA shall submit its request to the Russian entity within two days of the filing date of the Court's order accepting the parties' stipulation.

Additionally, in light of other matters discussed at the telephonic conference, the Court further ORDERS the parties to file a proposed protective order by March 5, 2010.

IT IS SO ORDERED.

Dated: February 23, 2010



Maria-Elena James
Chief United States Magistrate Judge