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UNITED STATES DISTRICT COURT
Northern District of California

NUANCE COMMUNICATIONS, INC.,

Plaintiff(s),

v.

ECOPY, INC.,

Defendant(s).

No. C 08-4227 JSW (MEJ)
Consolidated with C 08-4942 JSW (MEJ)

**ORDER RE: APPOINTMENT OF
SPECIAL MASTER (DKT. #153)**

On April 7, 2010, the undersigned Ordered the parties to submit a joint stipulation and proposed order in an attempt to comply with Judge White’s directive to “slim this case down.” (*Order Re: Joint Discovery Dispute Letter 2:11-14*, Dkt. #145; RT 18:3-5, Dkt. #132.) This Court was unable to ascertain from the file any attempts by the parties to slim down the case. In the Joint Letter submitted by the parties to the undersigned on March 11, 2010, (Dkt. #144), I.R.I.S. made a proposal, which appeared in line with Judge White’s directive, and the undersigned Ordered the parties to attempt to reach a stipulation. The undersigned has reviewed the parties’ stipulation and proposed order, in which Nuance stated that it was not willing to proceed on the 24 claim charts produced by I.R.I.S., apparently insisting on production of the 55 additional claim charts in order to address the “pig in the poke” problem. (Joint Stipulation 3:4-7, Dkt. #150; Joint Letter at 1, Dkt. #144.)

To be consistent with Judge White’s April 12, 2010 *Order Re Intent to Appoint A Special Master*, (Dkt. #153), where Judge White indicated his intent to appoint a Special Master to prepare a Report and Recommendation “regarding the order of the patents, claims and terms to be adjudicated in this, and all related, matters[,]” the undersigned will defer ruling on I.R.I.S.’s production of further claim charts until after the Special Master prepares a Report and Recommendation and Judge

1 White has made a further ruling. Within ten days following a further ruling by Judge White, the
2 undersigned ORDERS the parties to submit to this Court a further joint letter regarding their
3 positions on this issue.

4 **IT IS SO ORDERED.**

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6 Dated: April 13, 2010

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10 Maria-Elena James
11 Chief United States Magistrate Judge
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