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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

AUTODESK, INC., a Delaware corporation,
Plaintiff and
Counterclaim-Defendant,

v.

DASSAULT SYSTEMES SOLIDWORKS
CORPORATION, a Delaware corporation,
Defendant and
Counterclaim-Plaintiff.

Case No. C-08-04397 WHA

~~PROPOSED~~ ORDER
REGARDING MOTIONS TO
COMPEL

Autodesk, Inc. ("Autodesk") filed a letter motion on June 18, 2008, seeking production of documents and explanation of an asserted joint defense and/or common-interest privilege. Docket No. 44. On June 22, 2009, defendant Dassault Systemes SolidWorks Corporation ("SolidWorks") filed a response and cross motion seeking production of documents and describing the basis of its asserted common-interest privilege. Docket No. 46.

Pursuant to the Court's June 19, 2009 order (Docket No. 45), the parties held a meet and confer on June 23, 2009, at 8:30 a.m. On June 23, 2009, at 10:30 a.m., the Court heard the parties' arguments and remaining areas of dispute.

During the hearing, it was determined that:

~~PLAINTIFF AUTODESK'S PROPOSED LANGUAGE:~~

- SolidWorks must produce any document created or dated in 2003 or 2004 that refers to: (i) DWG; and (ii) Autodesk or any Autodesk product.
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~~DEFENDANT SOLIDWORKS PROPOSED LANGUAGE:~~

~~▪ SolidWorks must produce any document created or dated in 2003 or 2004 that refers to: (i) DWG in a name or potential name for a SolidWorks product; and (ii) Autodesk or any Autodesk product; in connection with the naming or marketing of a SolidWorks product that has DWG in the name.~~

- During depositions, counsel shall not instruct witnesses not to answer questions concerning DWG based names for products, including those that have not been publicly released.
- Both parties must produce any non-privileged customer or public opinion testing regarding the phrase "DWG" in a product name, including for unreleased products.
- SolidWorks' counsel shall revisit the extent of redactions in SolidWorks' documents.
- Autodesk must allow SolidWorks' counsel to access its San Rafael product packaging "museum" as referenced at the hearing. Autodesk may not rely at trial on any product packaging other than that located in this room at the time of inspection.

IT IS SO ORDERED

DATED: August 7, 2009

