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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

E-PASS TECHNOLOGIES,  
Plaintiff,  
v.  
MOSES & SINGER, LLP, *et al.*,  
Defendants.

No. C09-5967 EMC

**ORDER VACATING ORDER TO SHOW  
CAUSE (Docket Nos. 61 & 69)  
&  
ADOPTING TERMS OF PROTECTIVE  
ORDERS**

In light of Defendants' statements concerning the production of documents, including Microsoft Corporation's "Statement of Nonopposition" (Docket No. 77) to production under the terms of a Protective Order, as well as the parties' consent to the terms of the August 2, 2002 and August 16, 2005 Protective Orders, (Docket Nos. 74 & 75), the Court hereby **VACATES** its November 18, 2010 Order to Show Cause. The related December 8, 2010 Order scheduling a hearing is likewise vacated. The Clerk of Court shall terminate the hearing scheduled December 22, 2010. The January 19, 2011 Case Management Conference shall proceed as scheduled.

The Court **FURTHER ORDERS** that the terms of the August 2, 2002 and August 16, 2005 Protective Orders are hereby adopted. The parties shall proceed with discovery subject to those terms. Defendants shall produce and permit review of discoverable material, including documents that Plaintiff was not permitted to view earlier due to the absence of an applicable Protective Order. To minimize expenses, the Court encourages the parties to produce electronically stored documents in an electronic (preferably word-searchable) format, to the extent practicable. The Court will issue a more specific Order concerning the production of protected documents if necessary.

**IT IS SO ORDERED.**

Dated: December 15, 2010



EDWARD M. CHEN  
United States Magistrate Judge

United States District Court  
For the Northern District of California