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2
3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA
5

6 IMPLICIT NETWORKS, INC.,

No. C 10-04234 SI

7 Plaintiff,

**ORDER RE IMPLICIT'S MOTION TO
COMPEL DOCUMENTS AND A
DEPOSITION WITNESS**

8 v.

9 JUNIPER NETWORKS, INC.,

10 Defendant.
11 _____/

12 Currently before the Court is plaintiff Implicit's motion to compel Juniper to produce documents
13 and a deposition witness. [Docket No. 125]. Implicit contends that Juniper's production of documents
14 to date, in response to Document Requests Nos. 1 and 22, is deficient with respect to documents that
15 would show how Juniper's customers configure their Juniper products. In particular, Implicit complains
16 that Juniper has not provided a complete production of documents related to customer support, including
17 "cases and trouble tickets" reported to JTAC [Juniper's support group] and various reports received by
18 JTAC managers. Docket No. 125 at 1-2. Implicit argues that Juniper agreed to search for responsive
19 documents, but reneged on an agreement to produce the JTAC database, because of the size of the
20 production. As a compromise, Implicit argues the Court should order Juniper to produce documents in
21 the JTAC database for Juniper's 10 largest U.S. customers.

22 Juniper responds that it has produced documents, including supplemental productions including
23 documents from the JTAC database. Juniper, however, does not contend that it has produced all
24 responsive documents and admits that it has not produced the full JTAC database, because that database
25 contains roughly 4 to 5 terabytes of data. Juniper does not explain what portion of the database has been
26 produced and why, but argues that Implicit's motion to compel should be denied because Implicit has
27 failed to argue that there are any "specific areas" of the JTAC database that were not produced but
28 should have been. Docket Nos. 126, 132. Juniper also argues the motion to compel is moot because

1 Juniper agreed to continue to search for unspecified “additional documents.” Finally, Juniper argues
2 that Implicit’s proposed compromise is no compromise at all because the 10 largest Juniper customers
3 account for 80% of the documents in the massive JTAC database. Docket Nos. 130, 133.

4 The Court finds that Juniper has not demonstrated reasonable compliance with Implicit’s
5 document requests regarding the JTAC documents at issue. Juniper has not explained what it has
6 produced, what it has withheld, and why. Neither has Juniper demonstrated that the information sought
7 and not yet produced from the JTAC database is irrelevant or duplicative of other productions.
8 However, the Court recognizes the burden associated with producing 4 to 5 terabytes of data. Therefore,
9 **the Court orders that Juniper shall produce all JTAC documents for its two largest United States**
10 **customers.** If, after reviewing the supplemental production made pursuant to this Order, Implicit
11 believes it needs additional JTAC documents, it may seek relief from the Court.

12 Implicit also contends that Juniper should be required to produce a Rule 30(b)(6) person most
13 knowledgeable witness about customer sales and service. Implicit complains that Juniper refused to
14 produce a witness with enough knowledge on this subject matter and instead produced Juniper’s Chief
15 Technical Officer Oliver Tavakoli, who was unable to answer specific questions. Juniper responds that
16 Mr. Tavakoli was fully able to answer most of Implicit’s questions under the broad range of Rule
17 30(b)(6) topics noticed and that if Implicit wanted more specific testimony, it should have noticed
18 individual depositions but did not do so. **The Court orders that Juniper produce a witness to testify**
19 **about what Juniper does specifically for customers, to demonstrate, implement and service**
20 **Juniper’s products, including configuration, for Juniper’s two largest United States customers.**

21 **The documents required to be produced shall be produced within fourteen (14) days of the**
22 **date of this Order and the deponent shall be produced within twenty one (21) days of the date of**
23 **this Order.**

24 **IT IS SO ORDERED.**

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26 Dated: August 6, 2012

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SUSAN ILLSTON
United States District Judge