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28UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

INNOSPAN CORP,

Case No. C10-04422 WHA (JCS)

Plaintiff(s),

**DISCOVERY ORDER [Docket No. 167]**

v.

INTUIT INC.ET.AL,

Defendant(s).

On June 17, 2011, a Joint Letter re: Plaintiff's Discovery Complaints Against Defendants was filed (the "Joint Letter").

On July 1, 2011, a hearing was held on the Joint Letter. Brian Song, counsel for Plaintiff, appeared. Rodger Cole, counsel for Defendant Intuit and Mint Software, appeared. Margaret Branick-Abilla, counsel for Defendant Shasta Ventures, appeared.

For the reasons stated on the record, IT IS HEREBY ORDERED THAT:

1. Motion to compel "missing email communications" between A. Patzer and J. Putorti is DENIED. There is no evidence that any such emails exist.
2. Motion to compel "missing email communications" tracing the change to the Fourth MSI logo is DENIED. There is no evidence that any such emails exist.
3. Motion to compel "missing key emails with" Francis/Coneybeer is DENIED. There is no evidence that any such emails exist.
4. Motion to compel a search for evidence of actual confusion is DENIED without prejudice to serving a Request for Production of such information.
5. Motion to compel production of "missing" MSI business plans, marketing plans, etc. is DENIED without prejudice. These documents were not even due at the time of the Joint letter.

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6. Motion to compel production of “missing” communications with outside PR or marketing agencies is DENIED without prejudice. These documents were not even due at the time of the Joint letter.
7. Motion to compel “missing” documents concerning MSI’s intellectual property claims against third parties is DENIED without prejudice to serving a Request for Production of such information.
8. Motion to compel production of “missing” trademark and domain name searches is DENIED without prejudice. These documents were not even due at the time of the Joint letter.
9. Motion to compel document relating to searches regarding the rights to the mint.com domain is DENIED. There is no evidence that any further documents exist.
10. Defendants have produced a privilege log. Plaintiff shall produce a privilege log no later than July 8, 2011.
11. The motion to compel defendants to conduct a more thorough search is DENIED except to the extent already agreed by counsel, and (1) within 10 days Defendants shall submit a declaration regarding the current location of Mr. Putorti’s former mint.com laptop, and on the method used to search Mr. Patzer’s computer.
12. The motion to provide Mr. Patzer for an additional deposition is DENIED.

IT IS SO ORDERED.

Dated: July 1, 2011

  
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JOSEPH C. SPERO  
United States Magistrate Judge