

FENWICK & WEST LLP  
ATTORNEYS AT LAW  
MOUNTAIN VIEW

1 RODGER R. COLE (CSB NO. 178865)  
rcole@fenwick.com  
2 SONGMEE L. CONNOLLY (CSB NO. 228555)  
sconnolly@fenwick.com  
3 JOSEPH S. BELICHICK (CSB NO. 229371)  
jbelichick@fenwick.com  
4 SEAN S. WIKNER (CSB NO. 268319)  
swikner@fenwick.com  
5 MOLLY MELCHER (CSB NO. 272950)  
mmelcher@fenwick.com  
6 FENWICK & WEST LLP  
Silicon Valley Center  
7 801 California Street  
Mountain View, California 94041  
8 Telephone: (650) 988-8500  
Facsimile: (650) 938-5200

9 Attorneys for Defendants and Counter-Claimants  
10 INTUIT INC. and MINT SOFTWARE INC.

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 INNOSPAN CORP.,

15 Plaintiff,

16 v.

17 INTUIT INC.; MINT SOFTWARE INC.;  
18 SHASTA VENTURES GP, LLC; and  
19 DOES 1-20,

20 Defendants.

Case No. C10-04422 WHA (JCS)

**STIPULATED AND [PROPOSED]  
ORDER COMPELLING FURTHER  
DISCOVERY RESPONSES AND  
DOCUMENTS FROM PLAINTIFF**

Dept: G, 15th Floor  
Judge: Honorable Joseph C. Spero

21 INTUIT INC. and MINT SOFTWARE  
22 INC.,

23 Counter-Claimants,

24 v.

25 INNOSPAN CORP. and HONG-SEOK  
26 KIM,

27 Counter-Defendants.

28 STIP. & ORDER COMPELLING FURTHER  
DISCOVERY RESPONSES AND  
DOCUMENTS FROM PLAINTIFF

CASE NO. C10-04422 WHA (JCS)

**STIPULATION**

1  
2 WHEREAS, on August 16, 2011, Defendants Intuit Inc. (“Intuit”) served Plaintiff  
3 Innospan Corp. (“Plaintiff”) with a Third Set of Interrogatories and a Fourth Set of Requests for  
4 Production of Documents.

5 WHEREAS, on August 16, 2011, Mint Software Inc. (“Mint”) served Plaintiff with a First  
6 Set of Interrogatories;

7 WHEREAS, on September 15, 2011, Plaintiff served its responses to the above-noted sets  
8 of discovery requests;

9 WHEREAS, on September 16, 2011, the Intuit Defendants sent a detailed meet-and-  
10 confer letter to Plaintiff regarding its discovery responses;

11 WHEREAS, on September 19, 2011, Plaintiff sent a meet-and-confer letter and served  
12 amended discovery responses;

13 WHEREAS, on September 19, 2011, the Intuit Defendants sent another meet-and-confer  
14 letter to Plaintiff regarding its discovery responses, including its amended responses, and  
15 requested an in-person meet-and-confer on September 24, 2011;

16 WHEREAS, on September 21, 2011, Plaintiff served additional amended discovery  
17 responses;

18 WHEREAS, on September 28, 2011, the parties conducted an in-person meet-and-confer  
19 regarding Plaintiff’s and the Intuit Defendants’ discovery responses, at which time the parties  
20 agreed to further respond about the issues raised by Friday, September 30, 2011.

21 WHEREAS, on September 28, 2011, the Intuit Defendants provided Plaintiff with a  
22 summary of the outstanding discovery issues, and requested a response by September 30, 2011,  
23 and amended responses by October 3, 2011.

24 WHEREAS, on September 30, 2011, the Intuit Defendants responded to the alleged  
25 deficiencies with Intuit’s discovery responses raised by Plaintiff at the in-person meet-and-confer,  
26 providing further information in response to most issues and confirming that the remaining  
27 responses were sufficient.

28 WHEREAS, Plaintiff, lacking resources, did not respond to the outstanding meet-and-  
STIP. & ORDER COMPELLING FURTHER DISCOVERY RESPONSES AND DOCUMENTS FROM PLAINTIFF

1 confer issues on September 30 or October 3, 2011;

2 WHEREAS, on October 3, 2011, the Intuit Defendant again asked Plaintiff to respond to  
3 the outstanding meet-and-confer issues;

4 WHEREAS, Plaintiff said that it would respond regarding the outstanding meet-and-  
5 confer issues by 3:00 p.m. on Tuesday, October 4, 2011, but failed to do so, lacking any resources  
6 to do so;

7 WHEREAS, the deadline for filing any Joint Letters to compel further discovery  
8 responses and documents is Friday, October 7, 2011

9 WHEREAS, the Intuit Defendants have sufficiently established the right to compel further  
10 amended discovery responses and additional documents from Plaintiff, and Plaintiff has agreed to  
11 provide further amended discovery responses and additional documents but has requested  
12 additional time to do so; and

13 WHEREAS, to avoid burdening the parties and the Court with unnecessary motion  
14 practice.

15 NOW, THEREFORE, IT IS HEREBY STIPULATED by the parties through their counsel  
16 of record that:

- 17 1. By October 14, 2011 at 5:00 p.m., Plaintiff must serve fully complete, detailed,  
18 and verified amended responses to Intuit's Interrogatory Nos. 17, 18, 19, 20, 21,  
19 22, and 25, including identification of all supporting evidence, whether  
20 documentary (by bates number) or testimonial (by witness name); provided that  
the identification of testimonial evidence shall not require "script"-like description.
- 21 2. By October 14, 2011 at 5:00 p.m., Plaintiff must serve fully complete, detailed,  
22 and verified amended responses to Mint's Interrogatory Nos. 2, 3, 4, 5, 6, 7, 8, 9,  
23 10, 11, 12, 13, 14, 15, 16, 17, 18, and 22, including identification of supporting  
evidence where applicable, whether documentary (by bates number) or testimonial  
(by witness name); provided that the identification of testimonial evidence shall  
not require "script"-like description.
- 24 3. By October 14, 2011 at 5:00 p.m., Plaintiff must serve fully complete amended  
25 responses to Intuit's Requests for Production of Documents Nos. 108-123,  
26 confirming whether any paper document exist and producing all such paper  
documents (by October 14, 2011 at 5:00 p.m.), and specifically obtaining from  
27 third parties as required and producing all corporate and financial documents  
responsive to Nos. 121, 122, and 123 (by October 14, 2011 at 5:00 p.m.) provided  
28 that the obligation of production shall not require Plaintiff to actually create or  
prepare hitherto non-existing documents and provided further that the cost of

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requesting production of documents from a third party is not unreasonably oppressive

4. By Monday, October 10, 2011 at 5:00 p.m., the parties must instruct DriveSavers as follows:
  - A. Search terms, attached hereto as Exhibit A, tailored to capture the documents sought by Intuit will be run against the first and second batches of unfiltered data of Plaintiff (the “Responsiveness Filter”).
  - B. A second set of search terms designed to capture any privileged documents (the “Narrowly Defined Privileged Screen”) will then be run against the data set obtained by running the Responsiveness Filter. The Narrowly Defined Privileged Screen search terms are attached hereto as Exhibit B.
  - C. The results of the Narrowly Defined Privileged Screen will then be provided to Plaintiff’s attorney. Plaintiff’s attorney then shall review and release any non-privileged documents to Defendant but shall not be required to create any other privilege log.
  - D. Any documents contained in the data set obtained by running the Responsiveness Filter that are not captured by the Narrowly Defined Privileged Screen will be bates numbered and concurrently produced to all parties of record for review; provided that any mistakenly released privileged documents may be addressed pursuant to Paragraph 11 of the Stipulated Protective Order
  - E. Intuit is entitled to add new search terms to Exhibit A with Plaintiff’s consent, which will not be unreasonably withheld. If this occurs, the same process outlined in this Paragraph 4 will be followed for such new terms and the Narrowly Defined Privileged Screen regarding such new terms.
5. Because the Narrowly Defined Privileged Screen documents are protected under Attorney-Client communication, Attorney Work Product, and/or Trial Preparation privileges, none of which Defendants would be entitled to receive under the normal circumstances and the parties desire efficient discovery practices rather than taking advantages of the opponent’s lack of resources, Plaintiff is no longer required to create and deliver any further privilege logs.
6. In lieu of complying with Paragraphs 3(c) and 3(d) of the Discovery Order dated October 3, 2011 (Dkt. # 212), Plaintiff has the option of instructing the Third Party Vendor to deliver the First Batch documents excluding any documents filtered out by applying the same Narrowly Defined Privilege Terms..

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Dated: October 10, 2011

FENWICK & WEST LLP

By:           /s/ Rodger R. Cole            
Rodger R. Cole

Attorneys for Defendants  
INTUIT INC. AND MINT SOFTWARE INC.

Dated: October 10, 2011

LAW OFFICE OF BRIAN SONG

By:           /s/ Brian H. Song            
Brian H. Song

Attorneys for Plaintiff  
INNOSPAN CORP.

**ATTESTATION PURSUANT TO GENERAL ORDER 45**

Pursuant to General Order No. 45, Section X.B., I hereby attest that I have obtained concurrence of the above noted signatories as indicated by a “conformed” signature (/s/) within this e-filed document.

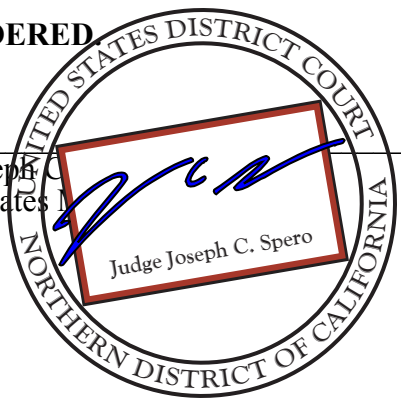
DATED: October 6, 2011

By:           /s/ Rodger R. Cole            
Rodger R. Cole

**PURSUANT TO STIPULATION, IT IS SO ORDERED**

Dated:   10/11                          , 2011

Hon. Joseph C. Spero  
United States District Court



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**Exhibit A**  
**New Terms**

\*Venture\* /2 \*capital\*  
fund\*  
\*Pequot\*  
\*Ikanos\*  
\*VDSL\*  
\*Marvell\*  
\*FlexLight\*  
\*Young\* /2 \*Kim\*  
Loan\*  
Mortgage\*  
\*financ\*  
\*cafeo\*  
\*cuteynail\*  
\*i-nail\*  
\*Pereira\*  
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**Exhibit B**

“Narrowly Defined Privileged Terms”

briansong, brian song, brianhsong, brian h song, sujung.park, @lawyersong.com, 188662, bsong, bhsong, sujung, sujungpark, sujung park, william levin, bill Levin, marquis, brianhsong@gmail.com, williamlevin, sujungp@gmail.com, marquis-ip.com, lawyersong.com, brookstone-law.com