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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GOOGLE INC. AND YOUTUBE LLC,
Plaintiffs,
vs.
IPVALUE MANAGEMENT INC.
Defendants.

CASE NO. 3:11-MC-80016-RS

[PROPOSED] ORDER GRANTING IN PART AND DENYING IN PART GOOGLE, INC.'S AND YOUTUBE, LLC'S MOTION TO COMPEL THE PRODUCTION OF DOCUMENTS FROM THIRD PARTY IPVALUE MANAGEMENT INC.

1 Plaintiffs Google Inc. (“Google”) and YouTube, LLC (“YouTube”) (collectively
2 “Google”) are defendants in a District of Delaware action for patent infringement, and have filed a
3 Motion to Compel the Production of Documents from IPVALUE Management Inc.
4 (“IPVALUE”), a Third Party to the Delaware action residing in this District, based on a subpoena
5 to IPVALUE.

6 The Court has considered Google’s Motion to Compel, IPVALUE’s Opposition
7 thereto, and all of the other materials submitted in relation thereto, as well as the arguments raised
8 in a teleconference with the Court on February 3, 2011. Pursuant to Federal Rule of Civil
9 Procedure (“F.R.C.P.”) 45(c)(3)(A), the Court hereby **GRANTS IN PART** and **DENIES IN**
10 **PART** Google's Motion to Compel, modifies and limits the scope of the subpoena, and **ORDERS**
11 as follows:

12 1. With respect to internal documents responsive to Request Nos. 3-6 and 8-12
13 of Google’s subpoena, IPVALUE shall search for such documents by searching the e-mail files of
14 the following custodians:

15 Paul Riley
16 Kapu Kumar
17 Katerina Varsou
18 Andres Diaz

18 The documents of IPVALUE’s in-house attorneys whose primary job function is to provide legal
19 advice are excluded from the search.

20 2. IPVALUE shall use the following search terms in searching the relevant
21 Worksite folders and the e-mail files of the custodians listed above:

22 6778979
23 979
24 Grefenstette
25 Shanahan
26 Xerox /20 patent
27 Organized classification of document content
28 Automatically identifying a set of entities
Automatically categorizing the selected document content
Automatically formulating the query to restrict a search
Formulat! /3 query
DocSouls
Document Souls

XLP56
XLP57
XLP58

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2 3. IPVALUE shall commence its production of non-privileged, responsive
3 documents within 21 days of receiving notice of this Order, and shall complete its production
4 within 45 days of notice of this Order. IPVALUE shall also produce a privilege log identifying
5 any documents withheld as privileged by within 60 days of notice this Order.

6 4. Google shall reimburse IPVALUE for half of the costs and fees incurred by
7 IPVALUE to respond to the subpoena.

8 5. Google shall advance to IPVALUE \$50,000 within 10 days of this order to
9 be applied to the reimbursement of the preceding paragraph. In the event that IPVALUE's fees
10 and costs do not exceed \$100,000, IPVALUE shall return the unapplied portion of this advance
11 payment.

12 6. The remainder of Google's Motion to Compel is **DENIED**.

13 **IT IS SO ORDERED.**

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15 **DATED:**

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19 Hon. Bernard Zimmerman
20 United States District Magistrate Judge
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