

1 Thomas P. Mazzucco – 139758 (tmazzucco@mpbf.com)
 Bryan L. P. Saalfeld – 243331 (bsaalfeld@mpbf.com)
 2 Nicholas C. Larson – 275870 (nlarson@mpbf.com)
 MURPHY, PEARSON, BRADLEY & FEENEY, PC
 3 88 Kearny Street, 10th Floor
 San Francisco, CA 94108-5530
 4 Tel: (415) 788-1900
 Fax: (415) 393-8087

5 Geoffrey Potter (gpotter@pbwt.com) (admitted *pro hac vice*)
 6 Michelle W. Cohen (mcohen@pbwt.com) (admitted *pro hac vice*)
 Christos G. Yatrakis (cyatrakis@pbwt.com) (admitted *pro hac vice*)
 7 Patterson Belknap Webb & Tyler LLP
 1133 Avenue of the Americas
 8 New York, NY 10036
 Telephone: (212) 336-2000
 9 Fax: (212) 336-2222

10 Attorneys for Plaintiff
 INNOVATION VENTURES, LLC, LIVING ESSENTIALS, LLC
 11 AND INTERNATIONAL IP HOLDINGS, LLC

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

15 INNOVATION VENTURES, LLC, LIVING
 ESSENTIALS, LLC, and INTERNATIONAL IP
 16 HOLDINGS, LLC,

17 Plaintiff,

18 v.

19 PITTSBURG WHOLESALE GROCERS, INC.,
 20 d/b/a PITCO FOODS, ET AL.,

21 Defendants

Case No.: C-12-5523-WHA

**STIPULATION AND ORDER
 GOVERNING OUTSTANDING
 DISCOVERY ISSUES BETWEEN
 DAN-DEE COMPANY, INC. AND
 INNOVATION VENTURES, LLC, LIVING
 ESSENTIALS, LLC, AND
 INTERNATIONAL IP HOLDINGS, LLC,
 AS MODIFIED BY THE COURT**

22 _____
 23 RELATED ACTIONS.

1 WHEREAS, Plaintiffs Innovation Ventures, LLC, Living Essentials, LLC, and International IP
2 Holdings, LLC (collectively, “Living Essentials”) filed and served its Second Amended Complaint on
3 December 5, 2012;

4 WHEREAS, defendant Dan-Dee Company, Inc. (“Dan-Dee”) filed and served its First
5 Amended Answer to Living Essentials’ Second Amended Complaint on March 8, 2013, which alleged
6 numerous affirmative defenses;

7 WHEREAS, Dan-Dee filed its First Set of Requests for Production and First Set of Special
8 Interrogatories on March 21, 2013;

9 WHEREAS, Living Essentials responded and objected to Dan-Dee’s First Set of Requests for
10 Production and First Set of Special Interrogatories on April 26, 2013;

11 WHEREAS, Judge Alsup issued an order on July 3, 2013, quashing certain of Dan-Dee’s
12 interrogatories and document requests, requiring Living Essentials to respond to Interrogatories Nos. 2-
13 3, 8-9, and 11-12, and referring other discovery matters to this Court;

14 WHEREAS, Living Essentials filed a 12(c) motion for Partial Judgment on the Pleadings
15 against Dan-Dee on July 15, 2013;

16 WHEREAS, Living Essentials’ 12(c) motion for Partial Judgment on the Pleadings against
17 Dan-Dee is scheduled to be heard by Judge Alsup on August 22, 2013, at 8:00 am;

18 WHEREAS, on July 17, 2013, this Court ordered the Parties to submit a joint letter on
19 requests for production 2-4 and 12-17 no later than July 24, 2013, and ordered Living Essentials to
20 respond no later than July 31, 2013, to the Interrogatories covered by Judge Alsup’s July 3, 2013
21 Order;

22 WHEREAS, the parties have met and conferred as to the outstanding discovery issues; and

23 WHEREAS, the parties agree that the interests of judicial economy are best served by avoiding
24 unnecessary motion practice;

25 WHEREFORE IT IS HEREBY STIPULATED AND AGREED, by and between the
26 undersigned, and subject to approval by the Court, that:
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- 1) No submission of a joint statement by the parties will be required on July 24, 2013.
- 2) Living Essentials will produce responses to Dan-Dee's Interrogatories Nos. 2-3, 8-9, 11-12 by Wednesday, July 31, 2013.
- 3) Living Essentials will produce documents responsive to Dan-Dee's Requests for Production Nos. 2-4 by Wednesday, July 31, 2013.
- 4) The Parties will postpone resolution of Dan-Dee's remaining Requests for Production until Judge Alsup reaches a decision on Living Essentials' Rule 12(c) Motion for Partial Judgment on the Pleadings.
- 5) The Parties will submit to this Court a joint statement resolving all or substantially all outstanding discovery disputes within three business days of Judge Alsup's ruling on Living Essentials' Rule 12(c) Motion for Partial Judgment on the Pleadings, to avoid delay in light of Judge Alsup's direction to not delay resolution of discovery disputes and this Court's prior order to present unresolved issues to the Court for decision by July 24, 2013, which the parties preferred to avoid doing.
- 6) Within 14 days of an order by this Court on any outstanding discovery issues, Living Essentials will produce the documents ordered by the Court.

CONSENTED AND AGREED BY:

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Dated: July 23, 2013

MURPHY PEARSON BRADLEY & FEENEY

/s/ Thomas P. Mazzucco
Thomas P. Mazzucco
Attorneys for Plaintiffs
Innovation Ventures, LLC, Living Essentials,
LLC, and International IP Holdings, LLC

Dated: July 23, 2013

PATTERSON BELKNAP WEBB & TYLER LLP

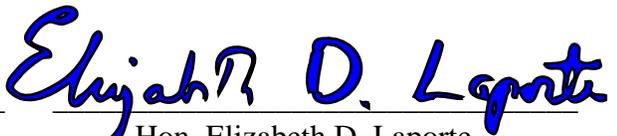
/s/ Geoffrey Potter
Geoffrey Potter
Michelle W. Cohen
Christos G. Yatrakis
Attorneys for Plaintiffs
Innovation Ventures, LLC, Living Essentials,
LLC, and International IP Holdings, LLC

Dated: July 23, 2013

/s/ William Markham
William Markham
Law Offices of William Markham, P.C.
Attorney for Defendant Dan-Dee Company, Inc.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: July 24, 2013


Hon. Elizabeth D. Laporte
United States Magistrate Judge