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United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SYNOPSYS INC,

No. C-12-06467-MMC (DMR)

Plaintiff(s),

ORDER RE: JOINT DISCOVERY LETTER [DOCKET NO. 226]

v.

MENTOR GRAPHICS CORP,

Defendant(s).

Before the court is a discovery letter submitted by Plaintiff Synopsys Inc. and Defendant Mentor Graphics Corp, in which Mentor seeks to compel miscellaneous discovery responses from Synopsys.¹ [Docket No. 226.] The court held a hearing on August 28, 2014, and made rulings from the bench. This order summarizes those rulings. For the reasons stated at the hearing, the court ordered the following:

¹ Synopsys moves to file under seal portions of this discovery letter containing information from the Swap Space newsletters, information from Kranen’s notebooks, and information about Synopsys’s beta test agreements for VHDL Compeiler. [Docket Nos. 226, 237.] Synopsys’s counsel declares that the information to be sealed (1) could reveal perceived shortcomings of Synopsys products, which could be used by a competitor to cast aspersions on the company; (2) addresses products under development at Synopsys that have nothing to do with the litigation; (3) includes proprietary details of Synopsys’s business strategy; and (4) includes proprietary information regarding how Synopsys structures its agreements with users and customers. The court **grants** Synopsys’s motion to seal portions of this discovery letter.

1 Mentor's motion to compel Synopsys to produce Deirdre Hanford and Russell Segal for
2 further deposition is **granted**. Synopsys shall produce (1) Hanford for a deposition of no longer
3 than two hours, and (2) Segal for a deposition of no longer than one hour. Both depositions shall be
4 limited to questions regarding documents produced after each deponent's previous deposition,
5 including the relevant Swap Space newsletters. Mentor's motion to compel Synopsys to produce an
6 "accounting" of Synopsys's production of the Swap Space newsletters is **denied**.

7 With respect to Mentor's motion to compel Synopsys to "give a complete answer" to
8 Interrogatory No. 30, the parties did not provide the court with Synopsys's response. For this
9 reason, the court was not able to assess its sufficiency. To the extent Synopsys responded to the
10 interrogatory by referring to a declaration, Mentor's motion is **granted**. Synopsys must produce a
11 complete written response to the interrogatory; incorporation by reference to declarations in lieu of a
12 written interrogatory response is insufficient. *See* Fed. R. Civ. P. 33(b)(3) ("Each interrogatory
13 must, to the extent it is not objected to, be answered separately and fully in writing under oath.");
14 *Scaife v. Boenne*, 191 F.R.D. 590, 594 (N.D. Ind. 2000) (answer to interrogatory should be complete
15 in itself and should not refer to the pleadings or other documents) (quotations omitted).

16 Mentor's motion to compel Synopsys to produce Kevin Kranen for a deposition is **granted**.
17 The deposition is limited to two hours. Mentor's motion to compel the production of the remainder
18 of Kranen's notebooks is **denied**.

19 Mentor's motion to compel Synopsys to produce an explanation for the production date of
20 the Beta Test Agreement is **denied**. However, **by September 2, 2014**, Synopsys shall provide
21 written confirmation that it has made best efforts to review its documents, including documents
22 relating to prior relevant litigation, and that to the best of its knowledge, it has now produced all
23 non-privileged responsive documents. The written confirmation shall be signed by lead counsel for
24 Synopsys, whose signature shall have the effect set forth in Federal Rule of Civil Procedure 26(g).

25 Mentor's motion to compel Synopsys to produce metadata for approximately 4200 pages of
26 documents produced by Synopsys between May and July 2014 is **denied**.

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Mentor’s motion to compel Synopsys to produce a Rule 30(b)(6) witness on Topics 44, 45, and 49 is **denied**. Mentor’s motion to compel Synopsys to produce a Rule 30(b)(6) witness on Topic 51 is **granted**. Synopsys shall produce an adequately prepared witness on Topic 51.

IT IS SO ORDERED.

Dated: August 28, 2014

