UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

FORTINET, INC.,

Plaintiff,

v.

SOPHOS, INC., et al.,

Defendants.

Case No. 13-cv-05831-EMC (DMR)

ORDER DENYING IN PART JOINT DISCOVERY LETTER; ORDER FOR FURTHER MEET AND CONFER

Re: Dkt. No. 177

Before the court is a joint discovery letter filed by Plaintiff Fortinet, Inc. and Defendant Sophos, Inc. [Docket No. 177.] In the letter, Fortinet moves, *inter alia*, to compel Sophos to provide further responses to Fortinet's Request for Production of Documents ("RFP") Nos. 123-134, 149-165, 174, which address roughly five separate subject matters. Fortinet does not raise concerns with Sophos's specific responses to each RFP, but instead notes an overarching concern that Sophos has produced documents only from the devices provided to Fortinet for inspection, but Sophos should expand its search for responsive documents beyond these devices. Sophos's response ignores Fortinet's overarching concern, notes vague objections to the 28 RFPs as being "overly broad and unduly burdensome" and not reasonably calculated to lead to the discovery of admissible evidence, and states that it is "looking forward to presenting arguments to the Court as to why each and every document request[] Fortinet complains of is deficient." Letter at 8.

It therefore appears from the joint letter that the parties have not adequately met and conferred about each party's position on the disputed Fortinet RFPs. The portion of Docket No. 177 addressing the Fortinet RFPs is therefore **denied without prejudice**. The parties are ordered to meet and confer about the Fortinet RFPs, and file a joint letter of no more than **4 pages** by **August 3, 2015 at 9:00 a.m.** if they are unable to resolve the matter without judicial intervention. In the joint letter, both parties must describe with specificity the discovery produced to date that is

responsive to the Fortinet RFPs, and Fortinet must specify how Sophos's production is deficient. Sophos is further advised that a statement that it is "looking forward to presenting arguments to the Court" at a future date is insufficient to give Fortinet and the court notice of its objections to each RFP.

IT IS SO ORDERED.

Dated: July 21, 2015

Donna M. Ryu
United States Magistrate Judge