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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

INTERNATIONAL TEST SOLUTIONS,
INC.,

Plaintiff,

v.

MIPOX INTERNATIONAL
CORPORATION and MGN
INTERNATIONAL, INC.,

Defendant.

Case No. 3:16-cv-00791-RS

**STIPULATION AND ~~PROPOSED~~ ORDER
RE: DISCOVERY OF ELECTRONICALLY
STORED INFORMATION FOR PATENT
LITIGATION**

Action Filed: February 17, 2016

Case Management Hearing: May 26, 2016

1 Upon the stipulation of the parties, the Court ORDERS as follows:

2 1. This Order supplements all other discovery rules and orders. It streamlines
3 Electronically Stored Information (“ESI”) production to promote a “just, speedy, and inexpensive
4 determination” of this action, as required by Federal Rule of Civil Procedure 1.

5 2. This Order may be modified in the Court’s discretion or by stipulation.

6 3. As in all cases, costs may be shifted for disproportionate ESI production requests
7 pursuant to Federal Rule of Civil Procedure 26. Likewise, a party’s nonresponsive or dilatory
8 discovery tactics are cost-shifting considerations.

9 4. A party’s meaningful compliance with this Order and efforts to promote efficiency
10 and reduce costs will be considered in cost-shifting determinations.

11 5. The parties are expected to comply with the District’s E-Discovery Guidelines
12 (“Guidelines”).

13 6. General ESI production requests under Federal Rules of Civil Procedure 34 and 45
14 shall not include email or other forms of electronic correspondence (collectively “email”). To
15 obtain email parties must propound specific email production requests.

16 7. Email production requests shall only be propounded for specific issues, rather than
17 general discovery of a product or business.

18 8. Email production requests shall be phased to occur after the parties have exchanged
19 initial disclosures and basic documentation about the patents, the prior art, the accused
20 instrumentalities, and the relevant finances. While this provision does not require the production of
21 such information, the Court encourages prompt and early production of this information to promote
22 efficient and economical streamlining of the case.

23 9. Email production requests shall identify the custodian, search terms, and time
24 frame. The parties shall cooperate to identify the proper custodians, proper search terms and proper
25 timeframe as set forth in the Guidelines.

26 10. Each requesting party shall limit its email production requests to a total of five
27 custodians per producing party for all such requests. The parties may jointly agree to modify this
28 limit without the Court’s leave. The Court shall consider contested requests for additional

1 custodians, upon showing a distinct need based on the size, complexity, and issues of this specific
2 case. Cost-shifting may be considered as part of any such request.

3 11. Each requesting party shall limit its email production requests to a total of five
4 search terms per custodian per party. The parties may jointly agree to modify this limit without the
5 Court's leave. The Court shall consider contested requests for additional search terms per
6 custodian, upon showing a distinct need based on the size, complexity, and issues of this specific
7 case. The Court encourages the parties to confer on a process to test the efficacy of the search terms.
8 The search terms shall be narrowly tailored to particular issues. Indiscriminate terms, such as the
9 producing company's name or its product name, are inappropriate unless combined with narrowing
10 search criteria that sufficiently reduce the risk of overproduction. A conjunctive combination of
11 multiple words or phrases (*e.g.*, "computer" and "system") narrows the search and shall count as a
12 single search term. A disjunctive combination of multiple words or phrases (*e.g.*, "computer" or
13 "system") broadens the search, and thus each word or phrase shall count as a separate search term
14 unless they are variants of the same word. Use of narrowing search criteria (*e.g.*, "and," "but not,"
15 "w/x") is encouraged to limit the production and shall be considered when determining whether to
16 shift costs for disproportionate discovery. Should a party serve email production requests with
17 search terms beyond the limits agreed to by the parties or granted by the Court pursuant to this
18 paragraph, this shall be considered in determining whether any party shall bear all reasonable costs
19 caused by such additional discovery.

20 12. Nothing in this Order prevents the parties from agreeing to use technology assisted
21 review and other techniques insofar as their use improves the efficacy of discovery. Such topics
22 should be discussed pursuant to the District's E-Discovery Guidelines.

23 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

24 Dated: June 21, 2016

TROUTMAN SANDERS LLP

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26 By: /s/ Charanjit Brahma

27 Charanjit Brahma
28 Attorneys for Plaintiff
International Test Solutions, Inc.

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Dated: June 21, 2016

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Mipox International Corporation and MGN
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CONCURRENCE IN FILING


I, Charanjit Brahma, hereby attest that the concurrence to the filing of this document has been obtained from each signatory hereto.

Dated: June 21, 2016

/s/ Charanjit Brahma
Charanjit Brahma

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 6/21/16


Richard Seeborg
UNITED STATES DISTRICT JUDGE