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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OPTRICS INC,
Plaintiff,
v.
BARRACUDA NETWORKS INC,
Defendant.

Case No. 17-cv-04977-RS (TSH)

DISCOVERY ORDER

Re: Dkt. Nos. 189, 195

The Court held a telephonic hearing today on ECF Nos. 189 and 195, which concern Optrics’ amended Rule 30(b)(6) deposition notice to Barracuda. The Court orders as follows:

Definitions 1, 3, 4 and 9. The definitions are sufficiently clear. Any assertion that the defined term includes irrelevant matters is really an objection to a topic.

Topic 1. This topic is relevant and proportional from 2013 to the present.

Topic 2. This topic is relevant and proportional from 2013 to the present.

Topic 3. Optrics has accepted Barracuda’s position.

Topic 4. This topic is overbroad and unfocused.

Topic 5. This topic is relevant and proportional from 2013 to the present. It’s true that some of the marks are not specifically referred to in the Second Amended Complaint, but the SAC does allege a broad pattern of Barracuda registering marks that begin with the word “cuda,” *see, e.g.*, SAC ¶ 47, and the ones mentioned in the deposition notice are just more of those.

Topic 6. This topic is relevant and proportional from 2013 to the present, except the Court strikes “or intent to adopt” from this topic.

Topic 7. Optrics accepts Barracuda’s position.

Topic 8. This topic is relevant and proportional from 2013 to the present.

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Topic 9. Optrics accepts Barracuda’s position.

Topic 10. This topic is relevant and proportional, at least as to general topics. A Rule 30(b)(6) designee can’t be expected to remember every detail of a nine-year business relationship.

Topic 11. This topic is irrelevant.

Topic 12. This topic is not relevant or proportional.

Topic 13. This topic is overbroad and not proportional.

Topic 14. This topic is relevant and proportional.

Topic 15. This topic is relevant and proportional. For this and the other topics, the Court is not ruling on any claims of attorney-client privilege.

Topic 16. This topic is overbroad and not proportional.

Topic 17. This topic is relevant and proportional.

Topic 18. This topic is relevant and proportional. No date restriction is required.

Topic 19. This topic is relevant and proportional.

Topic 20. This topic is irrelevant. It is outside the scope of Optrics’ claims as alleged in the SAC.

Topic 21. This topic is relevant and proportional.

Topic 22. This topic is relevant and proportional.

Topic 23. This topic is overbroad and vague.

Topic 24. This topic is relevant and proportional.

IT IS SO ORDERED.

Dated: January 29, 2020


THOMAS S. HIXSON
United States Magistrate Judge