

United States District Court
Northern District of California

ALEKSANDR L. YUFA,

Plaintiff,

v.

TSI INCORPORATED, et al.,

Defendants.

Case No.: CV 09-01315-KAW

ORDER REGARDING NOVEMBER 11,
2013 JOINT DISCOVERY LETTER

(Dkt. No. 146)

On November 11, 2013, the parties submitted a joint discovery letter, in which Plaintiff Aleksandr Yufa is seeking to compel supplemental discovery responses to Requests for Production Nos. 20 and 21, which both seek documents pertaining to particle width modulation (PWM). (11/11/13 Joint Letter at 3.)

On November 22, 2013, the Court held a hearing, and after consideration of the joint letter and the parties' arguments, and for the reasons set forth below, the Court denies Plaintiff's request to compel supplemental responses.

DISCUSSION

As an initial matter, the Court commends the parties for narrowing the scope of the discovery dispute. This is why parties are required to meet and confer regarding any pending discovery dispute before seeking court intervention.

As to the two requests at issue, Dr. Yufa contends that TSI's responses are deficient, because no documents have been produced. TSI states that while it has produced thousands of pages pertaining to its products, it does not possess any documents responsive to the requests, because its products do not use PWM. (Joint Letter at 6, 8.) Dr. Yufa visited TSI's headquarters to conduct a site inspection on July 10-11, 2013, during which TSI produced documents for inspection related to the accused products. (Joint Letter at 4.) At that time, TSI technical

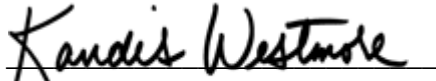
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personnel were available to assist Dr. Yufa in finding specific documents that he requested and to explain how TSI's products function. *Id.* At that time, TSI representatives also explained that no documents regarding PWM exist, because TSI products do not measure pulse width. *Id.*

Since TSI states that it has no responsive documents, the Court is not in a position to compel supplemental responses at this time. Accordingly, Plaintiff's request to compel production is DENIED.

IT IS SO ORDERED.

DATE: November 26, 2013


KANDIS A. WESTMORE
United States Magistrate Judge