

FENWICK & WEST LLP  
ATTORNEYS AT LAW  
MOUNTAIN VIEW

1 PATRICK E. PREMO (CSB No. 184915)  
ppremo@fenwick.com  
2 LIWEN A. MAH (CSB No. 239033)  
lmah@fenwick.com  
3 SEBASTIAN E. KAPLAN (CSB No. 248206)  
skaplan@fenwick.com  
4 GUINEVERE L. JOBSON (CSB NO. 251907)  
gjobson@fenwick.com  
5 FENWICK & WEST LLP  
Silicon Valley Center  
6 801 California Street  
Mountain View, CA 94041  
7 Telephone: (650) 988-8500  
Facsimile: (650) 938-5200

8  
9 Attorneys for Plaintiff  
SUCCESSFACTORS, INC.

10 CLAUDE M. STERN (CSB. No. 96737)  
claudestern@quinnemanuel.com  
11 EVETTE PENNYPACKER (CSB No. 203515)  
evettepennypacker@quinnemanuel.com  
12 QUINN EMANUEL URQUHART & SULLIVAN, LLP  
555 Twin Dolphin Dr., 5th Floor  
13 Redwood Shores, California 94065  
Telephone: (650) 801-5000  
14 Facsimile: (650) 801-5100

15 Attorneys for Defendant  
HALOGEN SOFTWARE, INC.

17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19 OAKLAND DIVISION

21 SUCCESSFACTORS, INC., a Delaware  
corporation,  
22  
Plaintiff,  
23  
v.  
24 HALOGEN SOFTWARE, INC., a Canadian  
corporation, and DOES 1 through 5, inclusive.  
25  
26 Defendants.

Case No. 10-05471-SBA

**STIPULATED ORDER FOR  
PROVISIONAL RELIEF AND  
COMMENCEMENT OF DISCOVERY**

Courtroom: 1, 4th Floor  
Judge: Honorable Sandra Brown  
Armstrong

27  
28



1 Temporary Restraining Order [Docket No. 10] and Motion for Expedited Discovery [Docket  
2 No. 8];

3 NOW, THEREFORE, Halogen and SuccessFactors STIPULATE AND AGREE that  
4 during the pendency of the trial of this action, or until otherwise ordered by this Court, that  
5 Halogen—and its officers, agents, servants, and employees, and all persons acting under, in  
6 concert with or for them, or anyone who receives actual notice of this Order, whether or not in the  
7 United States—are hereby prohibited pending the trial of this action from doing or attempting to  
8 do, the following:

9 a. Disclose, publish, reproduce, use or communicate for any purpose other than this  
10 case the Procured Information and/or Procured Files, in whole or in part, including but not limited  
11 to conducting such activities in connection with the planning, design, development, promotion,  
12 marketing, offer for sale, distribution, or support of human resource management products.

13 b. Disclose, publish, reproduce, use or communicate any nonpublic SuccessFactors  
14 information procured directly or indirectly, by providing false or misleading identifying  
15 information, such as through use of an alias name or website, including but not limited to  
16 conducting such activities in connection with the planning, design, development, promotion,  
17 marketing, offer for sale, distribution, or support of human resources management products.

18 c. Interfere with or disrupt any prospective economic relations SuccessFactors has with  
19 any prospective customers through any use of the Procured Information, Procured Files, and/or the  
20 Magnus Group alias or website.

21 d. Provide false or fictitious identifying information to SuccessFactors in an effort to  
22 obtain SuccessFactors non-public information.

23 e. Attempt to, or engage in, contact with SuccessFactors, including but not limited to  
24 SuccessFactors' computers or Web meetings, by providing false, fictitious or fraudulent identifying  
25 information.

26 f. Affirmatively seek to obtain, directly or indirectly, confidential or proprietary  
27 information from SuccessFactors.  
28

1 g. Market, sell, or support any products and services that were planned, designed, or  
2 developed in whole or in part based on Halogen's use of the Procured Information or Procured  
3 Files.

4 Defendant Halogen, and its agents, servants, and employees, and all persons acting under,  
5 in concert with or for them, or anyone who receives actual notice of this Order are further  
6 ordered, pending the trial of this action, to sequester, and thereafter deliver to their counsel of  
7 record for both parties in this action, any Procured Information and any Procured Files, emails,  
8 memorandum, analysis, notes, presentations, sales materials or other documents referencing or  
9 incorporating the same within Halogen's possession, custody or control. For purposes of this  
10 paragraph, "sequester" means that Halogen shall not retain custody, control or possession of any  
11 such Procured Information or Procured Files.

12 In addition, Halogen agrees to provide the following:

13 On or before December 13, 2010 by email, Halogen's Chief Financial Officer and  
14 Halogen's retained forensics consultant will provide sworn declarations to SuccessFactors'  
15 counsel of record describing all steps taken by Halogen to identify and sequester the Procured  
16 Information and Procured Files. The retained consultant shall maintain a record of all persons,  
17 machines, data storage devices, and document locations that have been the subject of its and  
18 Halogen's efforts to sequester and preserve documents. On or before December 13, 2010,  
19 Halogen shall identify and provide by email to SuccessFactors counsel of record a list of Halogen  
20 custodians in possession of the Procured Information and Procured Files along with a list of  
21 records obtained from each custodian.

22 This Stipulated Order shall remain in full force and effect unless and until a further order of  
23 this Court issues dissolving or modifying the same. Halogen agrees to cooperate and assist in any  
24 manner necessary to ensure that this Stipulated Order is fully recognized and, if required, enforced  
25 by any court, tribunal, regulatory or administrative body having jurisdiction in Canada. Nothing in  
26 this Order shall preclude Plaintiff from seeking broader or alternative provisional relief in the  
27 event it discovers evidence to support such relief. Defendant shall deliver by mail or email a copy  
28 of this Stipulated Order to its officers, agents, servants, employees, successors and assigns within



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

**THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada, to give effect to this Order and to assist Halogen and SuccessFactors and their respective agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to Halogen and SuccessFactors as may be necessary or desirable to give effect to this Order, to grant representative status to their counsel, as officers of this Court, in any foreign proceeding, or to assist them and their respective agents in carrying out the terms of this Order.

Dated: December 10 2010

  
SAUNDRA BROWN ARMSTRONG  
United States District Court Judge

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**EXHIBIT A**

**PROCURED INFORMATION**

1. Information relating to product features, limitations, interface, ease of use, and expediency, obtained during the August 19, 2010 SuccessFactors Web Meeting and live demonstration for the Magnus Group. In particular, the meeting covered details, explanations, and displays of SuccessFactors' tools for the following:

- (a) Performance Management for appraising employees
- (b) Talent Management and Recruiting
- (c) Goal Management for aligning goals of individual employees to the overall organizational mission
- (d) 360-Degree Reviews
- (e) Compensation Management
- (f) Career and Development Planning Module
- (g) Calibration for ensuring consistent rating and compensation of employees
- (h) Stack Ranker for comparing employee competencies

2. Information relating to product features, limitations, interface, ease of use, and expediency, obtained during the August 27, 2010 SuccessFactors Web Meeting and live demonstration for the Magnus Group. In particular, the meeting covered details, explanations, and displays of SuccessFactors' new CubeTree functionality, an online collaboration suite that enables employees to connect, communicate and collaborate efficiently and securely.

3. Information relating to product features, limitations, interface, ease of use, pricing, and expediency, obtained during the August 31, 2010 SuccessFactors Web Meeting for the Magnus Group. In particular, the meeting included detailed discussion of tools offered only by SuccessFactors.

4. Pricing information relating to SuccessFactors' newly announced CubeTree collaboration system and related professional services.

5. Pricing information relating to SuccessFactors tools and professional services for Calibration, Succession Management, Compensation Management, 360 Degree Reviews, Career

1 and Development Planning, Recruiting Management, Spanish Language Pack, Stack Ranker,  
2 Goal Management, Employee Profile, and Performance Management, as well as related  
3 professional services.

4 6. Pricing and other information relating to SuccessFactors training, including  
5 information about training delivery methods, types of courses and targeted audiences,  
6 implementation systems, and average lengths of time to implement modules.

7 7. Information relating to SuccessFactors solutions provided by SuccessFactors  
8 employee Scott Larkins to the Magnus Group or Halogen, including but not limited to the  
9 following topics:

- 10 • Performance Manager and Total Goal Management Implementation  
11 Approach & Scope
- 12 • Career and Development Planning Implementation Approach & Scope
- 13 • 360/Multi-Rater Implementation Approach & Scope
- 14 • Succession Planning / Talent Management Implementation Approach &  
15 Scope
- 16 • SuccessFactors Language Pack language enablement and support
- 17 • SuccessFactors BizX Insights regarding SuccessFactors' Business  
18 Execution Software strategy

19 8. Information relating to SuccessFactors' sales or marketing strategies, including but  
20 not limited to information relating to sales demonstrations and the customization or pricing of  
21 products and services for customers.

22 9. Information relating to the design, user interface, integration, or usability of  
23 SuccessFactors solutions, including without limitation information relating to SuccessFactors'  
24 design, maintenance, customization, or delivery of its products and services.

25 10. Information relating to configuration or implementation of SuccessFactors  
26 solutions, including scopes of implementation project timelines, and roles and responsibilities of  
27 the implementation teams.

28 11. Information relating to SuccessFactors product roadmaps or planned features.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**EXHIBIT B**

**PROCURED FILES**

1. Emails, inclusive of any attachments, from SuccessFactors to the Magnus Group, including but not limited to emails sent to “Anna Rodriguez” or any “@magnus-group.com” or “@halogensoftware.com” email address.

2. Meeting invitations, inclusive of any attachments, from SuccessFactors to the Magnus Group, including but not limited to meeting invitations sent to “Anna Rodriguez” or any “@magnus-group.com” or “@halogensoftware.com” email address.

3. Pricing proposals obtained by the Magnus Group or Halogen from SuccessFactors.

4. Recordings, notes, or other documents relating to SuccessFactors Web meetings or telephone meetings held for the Magnus Group, including but not limited to meetings on August 19, August 27, and August 31, 2010.

5. Presentations that the Magnus Group or Halogen obtained from SuccessFactors;

6. Documents entitled or described as:

- Performance Manager and Total Goal Management Implementation Approach & Scope
- Career and Development Planning Implementation Approach & Scope
- 360/Multi-Rater Implementation Approach & Scope
- Succession Planning / Talent Management Implementation Approach & Scope
- SuccessFactors Language Pack language enablement and support
- SuccessFactors BizX Insights regarding SuccessFactors’ Business Execution Software strategy

7. Documents relating to any Procured Information, including but not limited to any recorded notes, summaries, compilations, or analyses of any Procured Information.