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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SYNOPSYS, INC.,
Plaintiff,
v.
AGATE LOGIC USA, INC., et al.,
Defendants.

Case No. 16-cv-0596-PJH

**ORDER DENYING APPLICATION FOR
ORDER TO PRESERVE EVIDENCE**

Before the court is plaintiff's "ex parte application for an order to preserve evidence." Plaintiff seeks an order "expressly requiring that Agate preserve for forensic analysis the computers and devices that it has used to circumvent the access control measures put in place to protect Synopsis's confidential and proprietary software."

The court also notes that, yesterday, on February 4, 2016, plaintiff filed a motion for a temporary restraining order, for an order to show cause re preliminary injunction, an order of impoundment, and a protective order. The court set that motion for a hearing to be held on February 17, 2016.

In light of the fact that the dispute between the parties has been ongoing since at least June 4, 2015 (see Dkt. 5, Ex. D), the court finds that the need for an evidence preservation order can be addressed at the upcoming motion hearing. Until then, defendants' already-existing duty to preserve evidence will suffice. See, e.g., Fed. R. Civ. P. 37(e). Accordingly, plaintiff's motion is DENIED.

IT IS SO ORDERED.

Dated: February 5, 2016



PHYLLIS J. HAMILTON
United States District Judge