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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SYNCHRONOSS TECHNOLOGIES, INC.,
Plaintiff,
v.
FUNAMBOL INC,
Defendant.

Case No. [4:16-cv-02026-HSG](#) (KAW)

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

Re: Dkt. No. 96

On April 7, 2017, the parties filed a “stipulation” regarding the discovery of electronically stored information (“ESI”), which included a discovery dispute pertaining to email discovery imbedded in the body of the stipulation. Not only is the purported stipulation not a stipulation due to the inclusion of the discovery dispute, but the filing violates the undersigned’s standing order pertaining to discovery disputes, which requires that the parties submit disputes via joint letter. (*See* Judge Westmore’s General Standing Order ¶ 13.)

Accordingly, the “stipulation” is DENIED, and the parties are ordered to meet and confer in an attempt to resolve the pending dispute without court intervention. The parties are encouraged to narrow the dispute to the extent possible, as they are more familiar with the intricacies of the patents at issue and the burden that email discovery would impose at this juncture. This could include permitting certain email discovery, while having the remainder occur after the initial document production. Should the parties resolve the dispute through their meet and confer efforts, they shall file an amended stipulation and proposed order.

Otherwise, the parties shall jointly write and file a letter in the format outlined in the Court’s Standing Order, utilizing a separate heading for each remaining disputed provision. (*See* Judge Westmore’s General Standing Order ¶ 13.) The letter shall include a joint summary of the

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facts and the proceedings to date, and the parties must also address Rule 26’s proportionality requirement in their portion of the letter. After determining when email discovery will occur, the undersigned will direct the parties to file an amended stipulation and proposed order regarding ESI that complies with the Court’s order within 7 days.

IT IS SO ORDERED.

Dated: April 14, 2017


KANDIS A. WESTMORE
United States Magistrate Judge