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 15 IN THE UNITED STATES DISTRICT COURT
 16 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 17 OAKLAND DIVISION

18 BLUE SKY NETWORKS, LLC,
 Plaintiff,
 19
 v.
 20
 21 FITBIT, INC.,
 Defendant.

Case No. 4:17-cv-06543-YGR

**STIPULATION & ORDER RE: DISCOVERY
 OF ELECTRONICALLY STORED
 INFORMATION FOR PATENT LITIGATION**

Judge: Honorable Yvonne Gonzalez Rogers

1 Upon the stipulation of the parties, the Court ORDERS as follows:

2 1. This Order supplements all other discovery rules and orders. It streamlines Electronically
3 Stored Information (“ESI”) production to promote a “just, speedy, and inexpensive determination of this
4 action, as required by Federal Rule of Civil Procedure 1.”

5 2. This Order may be modified in the Court’s discretion or by stipulation. The parties shall
6 jointly submit any proposed modifications within 30 days after the Federal Rule of Civil Procedure 16
7 Conference.

8 3. As in all cases, costs may be shifted for disproportionate ESI production requests pursuant
9 to Federal Rule of Civil Procedure 26. Likewise, a party’s nonresponsive or dilatory discovery tactics are
10 cost-shifting considerations.

11 4. A party’s meaningful compliance with this Order and efforts to promote efficiency and
12 reduce costs will be considered in cost-shifting determinations.

13 5. The parties are expected to comply with the District’s E-Discovery Guidelines
14 (“Guidelines”) and are encouraged to employ the District’s Model Stipulated Order Re: the Discovery of
15 Electronically Stored Information and Checklist for Rule 26(f) Meet and Confer regarding Electronically
16 Stored Information.

17 6. General ESI production requests under Federal Rules of Civil Procedure 34 and 45 shall
18 not include email or other forms of electronic correspondence (collectively “email”). To obtain email
19 parties must propound specific email production requests.

20 7. The parties do not currently believe that email production will be necessary. If either
21 party determines at a later date that email production is warranted, the parties will confer and agree to
22 email discovery limitations with respect to the number of custodians and search terms are appropriate for
23 any such email discovery.

1 **IT IS SO STIPULATED**, through Counsel of Record.

2 Dated: March 9, 2018

By:

3 *Marc Belloli*
4 Marc Belloli

5 Attorneys for Plaintiff
6 BLUE SKY NETWORKS, LLC

7 Dated: March 9, 2018

DURIE TANGRI LLP

8 By: *Eugene Novikov*

9 CLEMENT S. ROBERTS
10 TIMOTHY C. SAULSBURY
11 EUGENE NOVIKOV

12 Attorneys for Defendant
13 FITBIT, INC.

14 **Attestation**

15 In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has
16 been obtained from any other signatory to this document.

17 */s/ Marc Belloli*
18 Marc Belloli

19 **IT IS ORDERED** that the forgoing Agreement is approved.

20 Dated: March 14, 2018