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United States District Court

For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re)
Application of)
MICROSOFT CORPORATION,)
Applicant.)
_____)

Case No.: C 06-80038 JF (PVT)
ORDER GRANTING *EX PARTE*
APPLICATION FOR ORDER ALLOWING
DISCOVERY PURSUANT TO 28 U.S.C.
§ 1782; AND
SETTING DEADLINES FOR OBJECTIONS
AND MOTIONS TO QUASH

On March 3, 2006, Applicant Microsoft Corporation (“Microsoft”) filed an Application for Order Allowing Discovery Pursuant to 28 U.S.C. § 1782.¹ Based on the brief presented,

IT IS HEREBY ORDERED that Microsoft’s motion is GRANTED; Microsoft is authorized to serve the forms of subpoena attached to its Application (the “Subpoenas”), however, the form of each subpoena must be revised to include the name, address, phone number, and fax number of the attorney who issues the subpoena. The form of each subpoena shall also be revised to state the date, time and place for the subpoenaed deposition and for the document production. Microsoft shall provide notice of no less than 10 days for the depositions and document productions. Microsoft may set the dates and times for deposition without first consulting the deponent, but concurrently with

¹ The holding of this court is limited to the facts and the particular circumstances underlying the present motion.

United States District Court


For the Northern District of California

1 service of the subpoenas Microsoft shall offer to confer regarding the deponent's scheduling needs
2 and the possibility of adjusting the date and/or time for the deposition if necessary. A copy of this
3 order shall be served with each subpoena.

4 IT IS FURTHER ORDERED that any person or entity objecting to a subpoena shall promptly
5 commence meeting and conferring with Microsoft. Any objections shall be served (by fax and
6 overnight courier for earliest delivery time) no more than three court days after the subject subpoena
7 is served. Any motion to quash shall be served (by fax and overnight courier for earliest delivery
8 time) and filed no more than five court days after the subject subpoena is served, regardless of
9 whether meet and confer efforts are continuing. Opposition to any motion to quash shall be served
10 (by fax and overnight courier for earliest delivery time) and filed no more than five court days after
11 the motion is filed. The court will contact the parties if it wishes to schedule reply briefs and/or oral
12 argument.

13 IT IS FURTHER ORDERED that, in the event Microsoft believes a motion to compel is
14 warranted, it shall serve (by fax and overnight courier for earliest delivery time) and file its moving
15 papers as soon as possible. Any opposition to a motion to compel shall be served (by fax and
16 overnight courier for earliest delivery time) and filed no more than five court days after the subject
17 motion is filed. The court will contact the parties if it wishes to schedule reply briefs and/or oral
18 argument.

19 Dated: 3/06/06

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21 PATRICIA V. TRUMBULL
22 United States Magistrate Judge
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