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28***E-FILED 05-18-2011***

NOT FOR CITATION
 IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

HALO ELECTRONICS, INC.,

No. C07-06222 RMW (HRL)

Plaintiff,

**ORDER GRANTING PLAINTIFF'S
MOTION TO COMPEL DISCOVERY
FROM DEFENDANT XFMRS, INC.**

v.

BEL FUSE INC. and XFMRS, INC.,

[Re: Docket No. 364]Defendants.
_____ /

Plaintiff Halo Electronics, Inc. (Halo) moves to compel document and interrogatory discovery from defendant XFMRS, Inc. (XFMRS).¹ XFMRS opposes the motion. The matter is deemed appropriate for determination without oral argument, and the May 24, 2011 hearing is vacated. Civ. L.R. 7-1(b). Upon consideration of the moving and responding papers, this court grants the motion as follows:

With respect to the requested technical documentation, there appears to be no serious dispute that the discovery is relevant and responsive to at least Halo's Requests for Production 12, 13, 15, 17 and 18. However, Halo says that defendant has yet to produce certain technical documents for some of the products at issue. XFMRS says that, for various logistical reasons, it has taken some time to obtain the requested documents for production. Nevertheless, it tells this court that requested documents as to the remaining part numbers are being gathered and

¹ Plaintiff advises that the portion of its motion seeking the production of product samples is moot.

1 will be produced as soon as the documents are received from its China manufacturer and
2 processed for production. Accordingly, Halo's motion as to the requested technical
3 documentation is granted. XFMRS shall complete its production by June 10, 2011.

4 Halo also moves for supplemental answers to Interrogatories 2, 3 and 9.² Halo's motion
5 primarily seeks an order requiring XFMRS to provide quarterly (as opposed to annual) sales
6 information. Halo contends that quarterly information is essential for parts that had mid-year
7 changes. Plaintiff also requests that defendant be ordered to provide complete supplementation
8 as to all of the information sought by these interrogatories. Defendant does not deny that it has
9 quarterly data available, but argues that the data is unnecessary for all of the products at issue
10 and that providing that information to Halo will be unduly burdensome. XFMRS, however, has
11 not substantiated its assertion that producing the requested quarterly information will impose an
12 undue burden. Moreover, to the extent defendant has additional responsive information that it
13 has not yet provided in response to these interrogatories (or information which updates or
14 corrects information previously given), then XFMRS shall provide that information to Halo.
15 XFMRS' supplemental interrogatory answers shall be served no later than June 10, 2011.

16 SO ORDERED.

17 Dated: May 18, 2011

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20 HOWARD R. LLOYD
21 UNITED STATES MAGISTRATE JUDGE
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² Halo agrees, however, that to the extent the information called for by Interrogatory 2 is included within the information XFMRS provides in response to Interrogatories 3 and 9, then XFMRS does not need separately supplement its response to Interrogatory 2. (See Reply at 1 n.1 and 4 n.4).

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28 Counsel are responsible for distributing copies of this document to co-counsel who have not registered for e-filing under the court's CM/ECF program.