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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RSI CORP., dba RESPONSIVE SYSTEMS
COMPANY, a New Jersey corporation,

Plaintiff,

vs.

INTERNATIONAL BUSINESS MACHINES
CORPORATION, a New York corporation;
and DOE DEFENDANTS 1-20,

Defendants.

Case No. C-08-03414 RMW

ORDER RE DISCOVERY DISPUTE 2 & 3

[Re Docket Nos. 272, 273]

The court orders as follows:

1. IBM's request for an order requiring RSI "produce documents and allow testimony regarding its negotiations with Computer Associates" is DENIED;
2. RSI has represented that it "will conduct a reasonable search in response to IBM's request [about documents related to payments to Folium] and will produce any relevant, non-privileged responsive documents." The court orders RSI to do so by March 1, 2013.
3. RSI's request for production of IBM's litigation-related document retention notice(s) is DENIED.

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4. IBM has represented that "it has conducted a reasonable search but has not located any audit-related . . . document retention notice." Therefore, RSI's request for an order that IBM produce such documents is DENIED as moot.

5. IBM has represented that it will "undertake a reasonable search for the document(s) referred to by IBM's witness in a recent 30(b)(6) deposition" with regard to pricing documents and that it has already produced some of these documents. The court orders IBM to complete its search and produce any relevant, non-privileged responsive documents by March 1, 2013.

Dated: February 14, 2013


Ronald M. Whyte
United States District Court Judge