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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

PHOENIX TECHNOLOGIES LTD.)
)
Plaintiff,)
)
v.)
)
XTOOL MOBILE SECURITY, INC.,)
)
Defendant.)
_____)

Case No.: C 09-2980 PVT
**INTERIM ORDER RE DEFENDANT'S
MOTION TO COMPEL**

Currently on calendar for hearing on November 23, 2010, is Defendant's motion to compel documents.¹ Having reviewed the papers submitted by the parties, the court finds it appropriate to issue this interim order. Therefore, based on the papers submitted,

IT IS HEREBY ORDERED that the hearing is VACATED.

IT IS FURTHER ORDERED that no later than November 23, 2010, the parties shall conduct further meet and confer regarding Defendant's motion to compel either in person or by telephone. From the papers submitted, it appears that further document production has occurred and that additional meet and confer efforts may well resolve much if not all of the parties' disputes.


IT IS FURTHER ORDERED that, no later than December 1, 2010, the parties shall file a joint supplemental brief regarding any document requests which remain in dispute. The joint

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

1 supplemental brief shall be organized by the specific document requests in dispute.² Following each
2 document request (stated in full), the parties shall set forth the following: 1) a brief statement of the
3 objections Plaintiff originally asserted upon which it still bases its withholding of responsive
4 documents; 2) Defendant's position regarding what responsive documents it contends are still
5 missing from the production and why production of those documents should be compelled; and
6 3) Plaintiff's response. The parties shall also include their respective positions with regard to the
7 time frame for producing any documents the court orders produced. Absent further order of the
8 court, the motion will be deemed submitted on the papers at that time.

9 IT IS FURTHER ORDERED that, to the extent Defendant's motion seeks an order requiring
10 Plaintiff to de-designate documents, the motion is DENIED without prejudice to a motion that
11 complies with the requirements of Paragraph 6 of the Stipulated Protective Order (Docket No. 56).

12 Dated: 11/18/10

13 
14 PATRICIA V. TRUMBULL
15 United States Magistrate Judge
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27 _____
28 ² The court notes that Defendant failed to comply with this court's Civil Local Rule 37-2. Defense counsel is cautioned that failure to comply with the requirements of Civil Local Rule 37-2 in the future may well result in summary denial of a motion to compel.