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INTERSERVE, INC. dba TECHCRUNCH  
8 and CRUNCHPAD, INC.

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION

12 INTERSERVE, INC. dba TECHCRUNCH, a )  
Delaware corporation, and CRUNCHPAD, )  
13 INC., a Delaware corporation, )

14 Plaintiffs, )

15 vs. )

16 FUSION GARAGE PTE. LTD., a Singapore )  
company, )

17 Defendant. )  
18 )

Case No. CV-09-5812 RS (PVT)

NOTICE REGARDING SUBMITTED  
MATTERS: FUSION GARAGE'S  
RENEWED MOTION FOR PROTECTIVE  
ORDER (Dkt. No. 93)

[CIVIL L.R. 7-13]

Hon. Patricia V. Trumbull

19  
20 Fusion Garage's renewed motion for protective order (Dkt. No. 93) seeks to block discovery  
21 efforts by Interserve, Inc. and CrunchPad, Inc. (collectively "TechCrunch") on the ground that their  
22 statement of misappropriated business ideas is insufficient. The matter has been fully briefed and  
23 argued, and was submitted for decision on June 30, 2010 (Dkt. No. 160). Although fewer than 120  
24 days have elapsed since then, TechCrunch nevertheless files this Notice Regarding Submitted  
25 Matters under Civil Local Rule 7-13, in accordance with the commentary indicating that such a  
26 notice is proper even before the expiration of 120 days when the nature and urgency of the matter  
27 under submission warrant it. TechCrunch early obtained an order expediting discovery in this case.  
28 Although it took one deposition in connection with its preliminary injunction motion, TechCrunch's

1 ability to take further depositions has been stalled by the pendency of the Defendant's successive  
2 protective order motions. TechCrunch needs complete document production from Defendant in  
3 order to prepare properly for depositions, and there is no prospect of a complete document  
4 production without a decision on the pending motion. The issue has particular urgency because the  
5 parties have agreed to "pencil in" depositions of some of Defendant's personnel in Singapore during  
6 the week of October 10. As Fusion Garage noted in an email dated July 21:

7 We will timely produce documents prior to putting our people up for deposition.  
8 But, as you note, this is subject to Magistrate Judge Trumbull ruling on Fusion  
9 Garage's renewed Motion for Protective Order. Please keep in mind that we will  
not produce our witnesses for deposition more than once.

10 Without very prompt production of the remaining documents, the depositions will have to be  
11 pushed back, and TechCrunch will continue to be stalled on depositions while Defendant deposes  
12 TechCrunch's witnesses in an entirely asymmetrical process. It would be extraordinarily inefficient,  
13 and would require a court order, for TechCrunch to proceed with depositions now without the  
14 necessary documents and then to re-depose witnesses overseas again later after receiving the  
15 necessary documents. TechCrunch believes that all parties and the Court would like the case to  
16 proceed efficiently and expeditiously with a minimum of court intervention, but for TechCrunch,  
17 discovery remains stuck only steps out of the starting gate in this case which has been pending since  
18 December 2009. TechCrunch brings this to the Court's attention in the hope that, in its busy  
19 schedule, the Court may consider expediting resolution of the pending motion.

20  
21 Respectfully submitted,

22 Dated: August 24, 2010.

WINSTON & STRAWN LLP

23  
24 By: Andrew P. Bridges  
Andrew P. Bridges

25 Attorneys for Plaintiffs

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27 SF:289601.3