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14 Attorneys for Defendant  
 15 SYNOPSISYS, INC.

16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA  
 18 SAN JOSE DIVISION  
 19

20 DYNETIX DESIGN SOLUTIONS, INC., a  
 21 California corporation,

22 Plaintiff and Counterclaim  
 23 Defendant,

24 v.

25 SYNOPSISYS, INC., a Delaware corporation,  
 and DOES 1-50,

26 Defendant and Counterclaim  
 27 Plaintiff.

Case No. 5:11-CV-05973-PSG

**STIPULATED ORDER REGARDING E-  
 DISCOVERY**

1 Plaintiff Dynetix Design Solutions, Inc. (“Dynetix”) and Defendant Synopsys, Inc.  
2 (“Synopsys”) stipulate to the following Order Regarding E-discovery (the “Order”), based on the  
3 Model Order Regarding E-Discovery in Patent Cases promulgated by the United States Court of  
4 Appeals for the Federal Circuit.

5 1. This Order supplements all other discovery rules and orders. It streamlines  
6 electronically Stored Information (“ESI”) production to promote a “just, speedy, and inexpensive  
7 determination” of this action, as required by Federal Rule of Civil Procedure 1.

8 2. This Order may be modified for good cause. The parties shall jointly submit any  
9 proposed modifications within 30 days after the Federal Rule of Civil Procedure 16 conference. If  
10 the parties cannot resolve their disagreements regarding these modifications, the parties shall  
11 submit their competing proposals and a summary of their dispute.

12 3. Costs will be shifted for disproportionate ESI production requests pursuant to  
13 Federal Rule of Civil Procedure 26. Likewise, a party’s nonresponsive or dilatory discovery  
14 tactics will be cost-shifting considerations.

15 4. A party’s meaningful compliance with this Order and efforts to promote efficiency  
16 and reduce costs will be considered in cost-shifting determinations.

17 5. General ESI production requests under Federal Rules of Civil Procedure 34 and 45  
18 shall not include metadata absent a showing of good cause. However, fields showing the date and  
19 time that the document was sent and received, as well as the complete distribution list, shall  
20 generally be included in the production.

21 6. General ESI production requests under Federal Rules of Civil Procedure 34 and 45  
22 shall not include email or other forms of electronic correspondence (collectively “email”). To  
23 obtain email parties must propound specific email production requests.

24 7. Email production requests shall only be propounded for specific issues, rather than  
25 general discovery of a product or business.

26 8. Email production requests shall be phased to occur after the parties have  
27 exchanged initial disclosures and basic documentation about the patents, the prior art, the accused  
28

1 instrumentalities, and the relevant finances. While this provision does not require the production  
2 of such information, the Court encourages prompt and early production of this information to  
3 promote efficient and economical streamlining of the case.

4           9.       Email production requests shall identify the custodian, search terms, and time  
5 frame. The parties shall cooperate to identify the proper custodians, proper search terms and  
6 proper timeframe.

7           10.       Each requesting party shall limit its email production requests to a total of five  
8 custodians per producing party for all such requests. The parties may jointly agree to modify this  
9 limit without the Court's leave. The Court shall consider contested requests for up to five  
10 additional custodians per producing party, upon showing a distinct need based on the size,  
11 complexity, and issues of this specific case. Should a party serve email production requests for  
12 additional custodians beyond the limits agreed to by the parties or granted by the Court pursuant  
13 to this paragraph, the requesting party shall bear all reasonable costs caused by such additional  
14 discovery.

15           11.       Each requesting party shall limit its email production requests to a total of five  
16 search terms per custodian per party. The parties may jointly agree to modify this limit without  
17 the Court's leave. The Court shall consider contested requests for up to five additional search  
18 terms per custodian, upon showing a distinct need based on the size, complexity, and issues of  
19 this specific case. The search terms shall be narrowly tailored to particular issues. Should a party  
20 serve email production requests with search terms beyond the limits agreed to by the parties or  
21 granted by the Court pursuant to this paragraph, the requesting party shall bear all reasonable  
22 costs caused by such additional discovery.

23           12. The receiving party shall not use ESI that the producing party asserts is attorney-client  
24 privileged or work product protected to challenge the privilege or protection.

25           13. Pursuant to Federal Rule of Evidence 502(d), the inadvertent production of a  
26 privileged or work product protected ESI is not a waiver in the pending case or in any other  
27 federal or state proceeding.  
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1           14. The mere production of ESI in a litigation as part of a mass production shall not itself  
2 constitute a waiver for any purpose.  
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5  
6 Dated: February \_\_\_\_, 2012

Orrick, Herrington & Sutcliffe LLP

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9 By:           /s/ Chris R. Ottenweller          

Chris R. Ottenweller  
I. Neel Chatterjee  
Benjamin S. Lin

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11 Attorneys for Defendant  
**SYNOPSISYS, INC.**

12  
13  
14 Dated: February \_\_\_\_, 2012

LiLaw, Inc.

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16  
17 By:           /s/ J. James Li          

J. James Li

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19 Counsel for Plaintiff  
**DYNETIX DESIGN SOLUTIONS, INC.**

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22 **FILER'S ATTESTATION**

23 Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under  
24 penalty of perjury that concurrence in the filing of this document has been obtained from Chris R.  
25 Ottenweller.  
26  
27  
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