

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FACEBOOK, INC. and FACEBOOK IRELAND)
LIMITED,)
)
Plaintiffs,)
v.)
)
PROFILE TECDHNOLGY LTD and)
CHRISTOPHER CLAYDON,)
)
Defendants.)

Case No. 5:13-cv-00459-PSG
ORDER RE: DISCOVERY DISPUTES
(Re: Docket No. 56, 58, 59, and 71)

Before the court are the parties’ cross-motions to compel and a motion for a protective order.¹ Those motions are opposed. Yesterday the parties appeared for a hearing. Because the court is eager to provide its rulings well in advance of Defendant Christopher Claydon’s deposition and mediation in this case, the court turns directly to the motions before it. After considering the arguments,

¹ Defendants also seek leave of the court to file Christopher Claydon’s declaration under seal because it discloses intimate health and other personal information. *See* Docket No. 71. Because the court finds that the good cause standard has been satisfied, the court GRANTS Defendants’ motion. *See Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006) (Because the documents attached to nondispositive motions “are often unrelated, or only tangentially related, to the underlying cause of action,” parties moving to seal must meet the lower “good cause” standard of Rule 26(c).” (internal quotations and citations omitted)).

1 The court DENIES Defendants' motion to compel production of information pertaining to
2 third party search engines² without prejudice to renewal if within seven days of this order
3 Facebook fails that Plaintiffs to submit a sworn declaration that Facebook has never permitted
4 other parties to retain scraped or spidered data past the termination of a license permitting such
5 scraping.

6 The court GRANTS Plaintiffs' motion for a protective order regarding Facebook's
7 agreements with third-party search engines.³

8 The court GRANTS Plaintiffs' motion to compel.⁴ Specifically, no later than fourteen days
9 after this order Defendants shall produce the three categories of information discussed at the
10 hearing. That information includes: (1) the 8 GB of data pertaining to Facebook user IDs obtained
11 as an app developer, (2) the 420 million Facebook profiles that have been scraped from Facebook,
12 and (3) logs of information relating to third-party access to Profile Engine's website.

13 As to the parties' dispute over the scheduled deposition and mediation; Mr. Claydon shall
14 appear for deposition on February 12 and 13, 2014, followed by mediation on February 14, 2014.
15 Mr. Claydon may alternatively appear for the second day of deposition on February 17, 2014.

16 **IT IS SO ORDERED**

17 Dated: January 29, 2014

18 
19 PAUL S. GREWAL
20 United States Magistrate Judge

21 _____
22 ² See Docket No. 56.

23 ³ See Docket No. 58.

24 ⁴ See Docket No. 59.