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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

GOOGLE INC.,

Plaintiff,

v.

ROCKSTAR CONSORTIUM US LP and
MOBILESTAR TECHNOLOGIES LLC,

Defendants.

CASE NO. 13-cv-5933-CW

**JOINT STIPULATION AND [PROPOSED]
ORDER REGARDING DISCOVERY OF
ELECTRONICALLY STORED
INFORMATION FOR PATENT
LITIGATION**

Upon stipulation of the parties, the Court ORDERS as follows:

1. This Order supplements all other discovery rules and orders. It streamlines Electronically Stored Information (“ESI”) production to promote a “just, speedy, and inexpensive determination of this action, as required by Federal Rule of Civil Procedure 1.”
2. This Order may be modified in the Court’s discretion or by stipulation. The parties shall jointly submit any proposed modifications within 30 days after the Federal Rule of Civil Procedure 16 Conference.

1 documents pursuant to P.R. 3-1 and 3-2, invalidity contentions and accompanying documents
2 pursuant to P.R. 3-3 and 3-4, and preliminary information relevant to damages.

3 10. Each requesting party shall limit its email production requests to a total of twelve
4 custodians per producing party for all such requests. The parties may jointly agree to modify this
5 limit without the Court’s leave. The Court shall consider contested requests for additional
6 custodians, upon showing a distinct need based on the size, complexity, and issues of this specific
7 case. Cost-shifting may be considered as part of any such request.

8 11. Each requesting party shall limit its email production requests to a total of twenty
9 search terms per custodian per party. The parties may jointly agree to modify this limit without
10 the Court’s leave. The Court shall consider contested requests for additional search terms per
11 custodian, upon showing a distinct need based on the size, complexity, and issues of this specific
12 case. The Court encourages the parties to confer on a process to test the efficacy of the search
13 terms. The search terms shall be narrowly tailored to particular issues. Indiscriminate terms, such
14 as the producing company’s name or its product name, are inappropriate unless combined with
15 narrowing search criteria that sufficiently reduce the risk of overproduction. A conjunctive
16 combination of multiple words or phrases (*e.g.*, “computer” and “system”) narrows the search and
17 shall count as a single search term. A disjunctive combination of multiple words or phrases (*e.g.*,
18 “computer” or “system”) broadens the search, and thus each word or phrase shall count as a
19 separate search term unless they are variants of the same word. Use of narrowing search criteria
20 (*e.g.*, “and,” “but not,” “w/x”) is encouraged to limit the production and shall be considered when
21 determining whether to shift costs for disproportionate discovery. Should a party serve email
22 production requests with search terms beyond the limits agreed to by the parties or granted by the
23 Court under to this paragraph, this shall be considered in determining whether any party shall bear
24 all reasonable costs caused by such additional discovery.

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