

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TESSERA, INC.,
Plaintiff,
v.
TOSHIBA CORPORATION,
Defendant.

Case No. 15-cv-02543 BLF (NC)

**ORDER DENYING TESSERA'S
PROPOSED ORDER SEEKING
DEPOSITIONS IN JAPAN**

Re: Dkt. No. 69

Tessera requests an order under Federal Rule of Civil Procedure 28(b) approving depositions of certain Toshiba employees to take place at the U.S. Consulate in Osaka, Japan. Dkt. No. 69. Toshiba objects to the relevance, burden, time, location, and proportionality of the depositions, and requests a protective order against Tessera's abusive discovery tactics. Dkt. No. 72.

It is not evident that the parties conferred with each other about the proposed depositions before Tessera filed its proposed order. This is the second time in the last month that Tessera has failed to meet the Court's expectations for communicating and cooperating with opposing counsel before presenting a discovery dispute. See Dkt. No. 57.

As Tessera has failed to show good cause for the proposed depositions, the Court denies the proposed order. The parties are ordered to confer with each other and by February 16, 2016, to either: (i) stipulate to depositions in Japan (including identity of witnesses, time and location of depositions, and any agreements on cost sharing) and file a Case No. 15-cv-02543 BLF (NC)

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stipulated proposed order approving the depositions; or (ii) to file a joint letter brief setting forth their positions and proposed solutions. Tessera is warned that a further failure to cooperate in discovery will result in sanctions.

IT IS SO ORDERED.

Dated: February 2, 2016



NATHANAEL M. COUSINS
United States Magistrate Judge