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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SYNOPSIS, INC.,
Plaintiff,
v.
REAL INTENT, INC.,
Defendant.

Case No. 20-cv-02819-EJD (SVK)

ORDER RE DISCOVERY DISPUTE

Re: Dkt. No. 111

Before the Court is the Parties' Joint Statement re Discovery Dispute for Real Intent, Inc.'s Interrogatory No. 2. Dkt. 111. In brief, the Parties dispute the sufficiency of Plaintiff Synopsis, Inc.'s ("Synopsis") response to a contention interrogatory. *See id.* The Parties appeared before the undersigned for a hearing on August 23, 2022, where the Court ruled as follows:

Synopsis' objection to Defendant Real Intent, Inc.'s ("Real Intent") contention Interrogatory No. 2 on the grounds that it is premature is **OVERRULED**, except as noted otherwise below, as a fair amount of discovery has taken place in this action. However, there is no firm date for the close of fact discovery and discovery remains ongoing, therefore Real Intent's request that Synopsis be restricted to its current responses going forward is **DENIED**. Pursuant to Federal Rules of Civil Procedure 26 and 33, Synopsis must respond to contention Interrogatory No. 2 with all of the information it has to date and must work diligently to supplement its response(s) as needed. To the extent Synopsis does not supplement its response to contention Interrogatory No. 2 as discovery progresses, its current response will stand.

Real Intent raises five specific issues with Synopsis' current discovery responses. The Court addresses each in turn:

1. Syntax – The Court finds Synopsis's response with respect to the "syntax" sufficient at this time.

United States District Court
Northern District of California

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2. Defined Terms – Synopsys must define the terms “collective” and “compilation” and provide a list of the claimed compilations to Real Intent in a supplemental response by **September 6, 2022**.
3. Derivative Works – Real Intent’s request that Synopsys explain the factual bases for its contention that Real Intent created unlawful derivative works is premature at this juncture. As such, the request is DENIED without prejudice.
4. Disputed Elements – The Court finds Synopsys’ response sufficient.
5. Manuals – The Court finds Synopsys’ response sufficient to the extent Synopsys identifies specific page numbers in the manuals. Real Intent’s request for a “side-by-side chart” is DENIED.

In the Parties’ joint submission and at the hearing, the Parties indicated that they are continuing to meet and confer regarding the production of additional source code by Real Intent, which may impact Synopsys’ responses to the foregoing. The Court reminded the Parties of their ongoing obligations to meet and confer in good faith to resolve this and all other discovery disputes.

SO ORDERED.

Dated: August 23, 2022



SUSAN VAN KEULEN
United States Magistrate Judge