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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAAPPLE, INC.,
Plaintiff,
v.
RIVOS, INC., and others,
Defendants.

Case No. 22-cv-02637 EJD (NC)

**ORDER ON DISPUTED
DISCOVERY ISSUES**

Re: ECF 164

At the discovery status hearing today the parties were able to resolve many issues from ECF 164 after further conferring and collaboration. Specifically, the parties resolved Apple Issues Nos. 2 and 3 and Rivos Issues Nos. 2, 3, 4, 6, 7, and 8, as stated at the hearing. The Court set additional deadlines: 4/10/23, for agreement to ESI protocol; 4/14/23 noon for filing of a joint discovery status update, limited to 10 pages total; 4/17/23 11:00 a.m. in person in courtroom 5 for a discovery status hearing; and 5/12/23 for bilateral substantial completion of document production.

This Order resolves the four remaining disputed discovery issues that were raised at the hearing from ECF 164: Apple Issues Nos. 1 and 4 and Rivos Issues Nos. 1 and 5.

- Apple Issue No. 1: Apple's request to compel production of forensic images for devices and storage locations where Apple confidential information was stored or transmitted is DENIED. The Court finds that Apple's requested relief is not needed

1 and not proportional to the needs of the case in consideration of Defendants’ offer
2 to provide to FTI forensic images of devices and storage accounts that were used to
3 store or transmit purported Apple confidential information. *See* ECF 168
4 (Defendants’ proposed order). Defendants are required to provide the forensic
5 images to FTI by April 13, 2023.

- 6 • Apple Issue No. 4: Apple’s request to compel discovery concerning unnamed
7 former employees is DENIED. There are two parts to Apple’s request. First, Apple
8 demands images and documents from the devices of 13 former employees who are
9 not parties to this case. The employees have agreed to produce responsive
10 documents using Apple’s search terms. The Court finds that Apple’s request for
11 more is speculative, unduly burdensome, and not proportional to the needs of the
12 case. Second, Apple asks Rivos to search for documents responsive to Apple’s
13 discovery requests for all of Apple’s former employees at Rivos. Apple says this
14 applies to “dozens” of employees. Apple’s request is DENIED as speculative,
15 unduly burdensome, and not proportional to the needs of the case.
- 16 • Rivos Issue No. 1: Rivos’ request to compel deadlines for Apple’s discovery
17 responses is GRANTED IN PART. Apple must substantially complete its
18 document production on all previously served discovery by May 12, 2023.
19 Defendants must meet this same deadline. Additionally, by April 7, 2023, Apple
20 must provide Defendants with a list of custodians, non-custodial sources, and search
21 terms it plans to use. The parties must meet and confer on any disputes and include
22 any disputes in their April 14 discovery status report.
- 23 • Rivos Issue No. 5: Rivos’ request to compel dates for the depositions of Mr.
24 Santhanam and Ms. Cerny is GRANTED. Apple must offer dates for these
25 depositions by April 7 and substantially complete the production of each deponent’s
26 custodial documents at least one week before the deposition.
27 No fees or costs awarded at present.

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IT IS SO ORDERED.

Dated: April 3, 2023



NATHANAEL M. COUSINS
United States Magistrate Judge