

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-03229-REB-MJW

HEALTHTRIO, LLC, a Colorado limited liability company,

Plaintiff,

v.

AETNA, INC., a Connecticut corporation,
ACTIVEHEALTH MANAGEMENT, INC., a Delaware corporation, and
MEDICITY, INC., a Colorado corporation,

Defendants.

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that Defendants' Motion to Compel Infringement Contentions and Written Discovery (docket no. 107) is GRANTED as follows. See Orenshtey v. Int'l Bus. Machines Corp., No. 02-CV-5074-JFK-RLE, 2013 WL 17483, at *7 (S.D.N.Y. Jan. 15, 2013).

Plaintiff HealthTrio ["Plaintiff"] has stated in its Response (docket no. 109) that it does intend on providing supplement information to respond to Defendant Atena's ["Defendant"] interrogatory No. 15 upon receipt of technical documents from Defendant. Plaintiff argues that the subject motion (docket no. 107) is therefore moot. Plaintiff further argues that it has not yet received core technical documents that they requested from Defendant and its source code (in the form agreed upon by the parties). Plaintiff also argues that without such information, it is unable to fully respond to Defendant's interrogatory no. 15. Lastly, Plaintiff argues that Defendant agreed to provide to Plaintiff in June 2013, the core technical documents and source code which have not been produced.

Accordingly, it is FURTHER ORDERED that Defendant provide to Plaintiff the core technical documents and its [Defendant's] source code (in the form agreed upon by the parties) on or before August 29, 2014.

It is FURTHER ORDERED that Plaintiff shall fully respond to Defendant's interrogatory No. 15 on or before September 15, 2014.

It is FURTHER ORDERED that each party shall pay their own attorney fees and

costs for the subject motion (docket no. 107) finding that it would be unjust under the facts and circumstances presented here to award expenses. See Fed. R. Civ. P. 37(d)(3).

Date: August 11, 2014
