

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

VIA TECH TECH. INC.,
Plaintiff,

v.

MICROSOFT CORP.,
Defendant.

No. 14-cv-1226 (RGA)

MICROSOFT CORP.,
Movant,

v.

RANDOM PERSPECTIVES, LLC.,
Respondent.

No. 16-mc-232 (RGA)

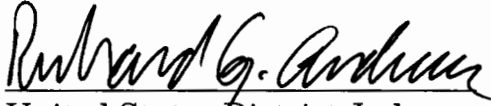
AMENDED MEMORANDUM ORDER

Defendant Microsoft is seeking documents from Plaintiff ViaTech and third party Random Perspectives in a patent dispute. ViaTech and Random Perspectives have claimed those documents are privileged under the attorney-client privilege and common interest doctrine. After a hearing on November 8th, I ordered the documents produced for *in camera* review. After review of the documents, I am ordering production of documents designated as 1 and 2 on the Random Perspectives privilege log and maintaining the claim of privilege on documents listed as 4, 5, 6, 7, 8, and 9. As Random Perspectives and ViaTech have committed

themselves to producing documents 3, 10, and 11, I will not address those documents.

Random Perspectives and ViaTech have failed to show that documents 1 and 2 are privileged. These documents were written by non-lawyers and explicitly state they do not provide legal advice, but rather were created as an offer of sale. The substance and dates of documents 4, 5, 6, 7, 8, and 9 do support ViaTech and Random Perspectives' claim that the documents were prepared at the request of counsel and for the purpose of obtaining legal advice.

IT IS SO ORDERED this 1 day of December 2016.


United States District Judge