

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA
7

8 REMBRANDT GAMING TECHNOLOGIES, LP,)
9)
10 Plaintiff,)
11 vs.)
12 BOYD GAMING CORP., *et al.*)
13 Defendants.)
14

Case No. 2:12-cv-00775-MMD-GWF

ORDER

15 This matter is before the Court on Plaintiff's Motion to Compel (#98), filed on January 23,
16 2015. Defendants filed their Response (#105) on February 9, 2015. Plaintiff filed its Reply (#110)
17 on February 19, 2015. The Court conducted a hearing on February 25, 2015 after which the parties
18 further conferred and reached agreement on the disputed issues, with the exception of the scope of
19 the financial documents discovery and the timing of the production of the discovery. *See Joint*
20 *Supplemental Briefing Regarding Plaintiff Rembrandt Gaming Technologies LP's Motion to*
21 *Compel Discovery* (#122) ("Joint Supplement") filed on March 13, 2015. The Court conducted a
22 follow-up hearing on March 20, 2015. Based on the parties' stipulations, the arguments with
23 regard to the remaining disputed issues, and good cause appearing therefore, the Court hereby
24 enters its written order on Plaintiff's motion to compel.

25 **Technical Documents.** As set forth in the Joint Supplement, Defendants agree to provide
26 Technical Documents requested by Plaintiff for all Accused Devices and for devices that are
27 "reasonably similar." The parties have further defined the meaning of "reasonably similar"
28 devices for purposes of the subject discovery. *Joint Supplement* (#122), pg. 3:17-21. The Court

1 hereby approves the parties' stipulation regarding production of Technical Documents and adopts it
2 as the Court's order granting Plaintiff's motion to compel.

3 **Financial Documents.** There is no dispute between the parties regarding the categories of
4 financial documents that Plaintiff requests. There is a dispute as to the category of gaming devices
5 for which financial documents should be produced. Plaintiff requests Financial Information for: (1)
6 the Accused Devices, (2) reasonably similar devices; and (3) video slot machines, generally, which
7 Defendants have made or used since 2006. Defendants agree to categories (1) and (2), but object to
8 category (3). Defendants instead agree that Defendants, through Defendant WMS Gaming, Inc.,
9 will provide financial information for gaming machines that Plaintiff has not accused of
10 infringement, but that are in the same game families as the Accused Products. Defendants have
11 also agreed that if there are other specific gaming machines for which Plaintiff believes Defendants
12 should provide financial information, Plaintiff should identify those specific gaming machines and
13 Defendants will consider Plaintiff's request. *Joint Supplement (#122), pgs. 4-5.*

14 The Court hereby adopts Defendants' proposal or agreement as to the scope of production
15 of the third category of gaming devices or machines for which Financial Documents shall be
16 produced. As stated at the hearing, Plaintiff may hereafter move the Court for an order broadening
17 the scope of production of financial documents if further discovery demonstrates the relevancy of
18 the requested documents and that their production by Defendants is not unduly burdensome in light
19 of the probative value of the requested information. Accordingly,

20 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Compel (#98) is **granted**, in part,
21 in accordance with the foregoing provisions of this order.

22 **IT IS FURTHER ORDERED** that Defendants shall promptly produce the Technical
23 Documents and Financial Documents encompassed by this order. The parties shall also file a joint
24 status report regarding the production of documents in accordance with this order on or before
25 **April 30, 2015**. The Court will thereafter schedule a discovery status hearing if necessary.

26 DATED this 20th day of March, 2015.

27 
28 GEORGE FOLEY, JR.
United States Magistrate Judge