

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**ROCKSTAR CONSORTIUM US LP
AND NETSTAR TECHNOLOGIES
LLC,**

Plaintiffs,

v.

GOOGLE INC.,

Defendant.

Case No. 2:13-cv-00893-JRG-RSP

JURY TRIAL DEMANDED

**PLAINTIFFS' RESPONSE TO MOTIONS FOR PROTECTIVE ORDER
UNDER FEDERAL RULES OF CIVIL PROCEDURE 26(c) AND 45(d)(3)
REGARDING PRIVILEGED AND CONFIDENTIAL NORTEL DOCUMENTS
FILED BY THE NON-PARTY NORTEL ENTITIES**

Plaintiffs do not oppose the motions for a protective order to protect privileged and confidential Nortel documents filed by non-parties Nortel Networks Corporation, Nortel Networks Limited, and Nortel Networks Inc. (collectively, “Nortel”).

As set forth in the Nortel motions, Plaintiffs are in possession of certain Nortel laptops that were acquired following the Nortel auction of its patent portfolio. In early August 2014, Plaintiffs notified Nortel that they were in possession of such laptops, that they had not deleted material from such laptops due to litigation hold and document preservation concerns, and that they had an obligation to produce relevant and responsive documents. The parties thereafter continued to meet-and-confer regarding the appropriate method for handling review and any production of such documents. On August 29, 2014, Google requested that Plaintiffs run certain search terms against the email of former Nortel employees. Plaintiffs continued to meet-and-confer with Nortel regarding how to comply with Plaintiffs’ discovery obligations while protecting Nortel’s privilege concerns.

Plaintiffs have reviewed and produced documents from certain Nortel laptops (those belonging to Messrs. Krishnan and Vella) that hit on search terms specific to the patents-in-suit. In addition, to the extent that relevant custodians who are former Nortel employees moved “transferred items” from their Nortel laptops to their Rockstar computers, Plaintiffs have searched such non-email ESI on the Rockstar computers.¹ Plaintiffs do not oppose Nortel’s request that the Court establish an appropriate procedure for review and production of additional Nortel laptop data—one that balances Nortel’s privilege concerns with the parties’ discovery obligations and need to identify relevant documents.²

¹ The parties have separately served email requests pursuant to the ESI Order and continue to meet-and-confer on that issue. To the extent “transferred items” are emails that have been moved to Rockstar computers, they will be subject to search pending the parties’ meet-and-confer efforts.

² Plaintiffs reserve their rights regarding any request for costs that Nortel might make. Dkt. 150 at n.1.

DATED: September 26, 2014

Respectfully submitted,

By: /s/ Amanda K. Bonn

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record, who are deemed to have consented to electronic service are being served this 26th day of September, 2014 with a copy of this document via the Court's CM/ECF system per Local Rule CD-5(a)(3).

/s/ Amanda K. Bonn
Amanda K. Bonn

CERTIFICATE OF AUTHORIZATION TO FILE UNDER SEAL

I hereby certify that the foregoing memorandum and supporting documents should be filed under seal because they contain material covered by the Protective Order entered in this case on June 19, 2014 (Dkt. No. 90).

/s/ Amanda K. Bonn
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