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Counsel for Defendant Apple Inc.

17 **UNITED STATES DISTRICT COURT**
18 **NORTHERN DISTRICT OF CALIFORNIA**
19 **OAKLAND DIVISION**

20 SAURIKIT, LLC,

21 Plaintiff,

22 v.

23 APPLE INC., a California Corporation,

24 Defendant.

CASE NO. 4:20-cv-08733-YGR

ORDER GRANTING STIPULATION
BETWEEN SAURIKIT, LLC AND APPLE
INC. AND ~~PROPOSED~~ DISCOVERY
PLAN

The Honorable Yvonne Gonzalez Rogers

1 WHEREAS, on February 4, 2021, Defendant Apple Inc. (“Apple”) filed a motion
2 to dismiss Plaintiff, SaurikIT, LLC’s (“Cydia”) Complaint, ECF No. 35 (Apple and Cydia
3 collectively, the “Parties”);

4 WHEREAS, on March 22, 2021, the Parties submitted a Joint Case Management
5 Statement (the “Joint Statement”);

6 WHEREAS, in the Joint Statement, the Parties agreed to “engage in reasonable
7 efforts to coordinate discovery including stipulating to the Court’s Order Regarding
8 Coordination of Discovery in *In re Apple iPhone Litigation*, No. 4:19-cv-03074-YGR, ECF No.
9 80 (N.D. Cal. Jan. 2, 2020) (the “Coordination Order”)” and agreed that the Parties “should seek
10 to achieve the maximum coordination of document and other discovery among the related cases
11 where reasonably practical”;

12 WHEREAS, in the Joint Statement, the Parties disagreed about the scope of
13 discovery pending Apple’s motion to dismiss filed on February 4, 2021, ECF No. 35;

14 WHEREAS, in an Order dated March 24, 2021, ECF No. 45, the Court ordered
15 the Parties to meet and confer on the scope of discovery pending resolution on the motion to
16 dismiss;

17 WHEREAS, the Parties met and conferred on the scope of discovery pending the
18 motion to dismiss on April 13 and 30, 2021, as well as through email correspondence, and have
19 reached agreement on the scope of discovery pending Apple’s motion to dismiss and a discovery
20 plan with respect to depositions previously taken in the *Epic Games, Inc. v. Apple Inc.*, No. 4:20-
21 CV-05640-YGR-TSH (N.D. Cal.); *In re Apple iPhone Antitrust Litig.*, No. 4:11-CV-06714-
22 YGR-TSH (N.D. Cal.); and *Cameron v. Apple Inc.*, No. 4:19-CV-03074-YGR-TSH (N.D. Cal.)
23 (the “Related Actions”);

24 THEREFORE, the Parties, by and through their respective counsel, hereby agree
25 and stipulate, subject to the approval of the Court, the following:

26 1. The Parties agree that, where reasonably practical, the terms of the Coordination
27 Order shall apply to this action. The terms of this stipulation reflect the Parties’ current
28 understanding of where and how the Coordination Order applies in this action. To the extent

STIPULATION BETWEEN SAURIKIT, LLC AND APPLE INC. AND

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1 future disputes, if any, arise regarding the scope of that application, the Parties shall meet and
2 confer in good faith to attempt to resolve any differences and, barring resolution through that
3 process, submit any disputes to the Court for resolution.

4 2. Apple will reproduce its productions from the Related Actions to Cydia as soon as
5 reasonably practicable.

6 3. Apple will produce its responses and objections to interrogatories and requests for
7 admissions from the Related Actions to Cydia as soon as reasonably practicable.

8 4. Apple will produce its expert reports from the Related Actions to Cydia as soon as
9 reasonably practicable, to the extent that they do not contain information produced by parties
10 other than Apple or non-parties that are subject to protective orders. In the event that Apple
11 believes in good faith the expert reports contain such protected information, Apple shall redact
12 that information before producing the expert reports to Cydia. In the alternative, if Cydia obtains
13 permission from the parties whose information Apple in good faith believes is contained in a
14 relevant expert report and protected from production or if this or any other Court order permits
15 reproduction of such information to Cydia, Apple shall produce the unredacted expert report to
16 Cydia.

17 5. Apple will produce the following sealed filings to Cydia as soon as reasonably
18 practicable, to the extent that they do not contain information produced by parties other than
19 Apple or non-parties that are subject to protective orders:

20 a. *In re Apple iPhone Antitrust Litig.*, No. 4:11-cv-06714-YGR, Dkt. Nos.
21 42, 59.

22 b. *Epic Games, Inc. v. Apple Inc.*, No. 4:20-cv-05640-YGR, Dkt. Nos. 406-4,
23 408-4.

24 In the event that Apple believes in good faith the sealed filings contain such protected
25 information, Apple shall redact that information before producing the sealed filings to Cydia. In
26 the alternative, if Cydia obtains permission from the parties whose information Apple in good
27 faith believes is contained in a relevant sealed filing and protected from production or if this or
28 any other Court order permits reproduction of such information to Cydia, Apple shall produce

1 the unredacted sealed filing to Cydia.

2 6. Apple will produce the deposition transcripts and exhibits of Apple witnesses
3 deposited in the Related Actions to Cydia as soon as reasonably practicable.

4 7. Apple will produce the 30(b)(6) notices served on Apple in the Related Actions to
5 Cydia as soon as reasonably practicable.

6 8. Cydia agrees that prior to noticing any Apple witness who has previously been
7 deposed in the Related Actions, it will provide Apple a good faith explanation of why Cydia
8 believes it needs additional deposition time with that witness (such as, for example, by
9 identifying additional topics or additional information to which Cydia believes the witness can
10 testify, or by explaining why Cydia believes previous depositions did not fully and/or adequately
11 explore topics relevant to Cydia's claims), and how much time it requests.

12 9. If the Parties cannot resolve any disputes about whether Cydia's good faith
13 explanation justifies additional deposition time with an Apple witness who has been previously
14 deposed in the Related Actions, limitations on the scope of questioning based on Cydia's good
15 faith explanation, or the amount of additional time Cydia has requested, the Parties shall follow
16 Magistrate Judge Thomas Hixson's Discovery Standing Order.

17 10. All other discovery will be held in abeyance pending a decision on Apple's
18 motion to dismiss.

19 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

20
21 DATED: May 5, 2021

22 By /s/ Adam B. Wolfson
23 QUINN EMANUEL URQUHART &
24 SULLIVAN, LLP
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~~PROPOSED~~ DISCOVERY PLAN
CASE NO. 4:20-cv-08733-YGR

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Counsel for Plaintiff SaurikIT, LLC

DATED: May 5, 2021

By /s/ Karen L. Dunn

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Counsel for Defendant Apple Inc.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: June 24, 2021


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT JUDGE

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DECLARATION REGARDING CONCURRENCE

I, Adam Wolfson, am the ECF user whose identification and password are being used to file this STIPULATION BETWEEN SAURIKIT, LLC AND APPLE INC. AND [PROPOSED] DISCOVERY PLAN. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that all of the signatories listed above have concurred in this filing.

Dated: May 5, 2021

QUINN, EMANUEL, URQUHART &
SULLIVAN, LLP

By: /s/ Adam B. Wolfson
Adam B. Wolfson