

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

Ironburg Inventions Ltd.,

Plaintiff,

v.

Valve Corporation,

Defendant.

Civil Action No.

1:15-cv-04219-TWT

[PROPOSED] ORDER REGARDING ELECTRONIC DISCOVERY PLAN

The Court having considered the Joint Stipulation Regarding Electronic Discovery Plan, agreed upon by and between counsel for Plaintiff and Defendant, and finding good cause appearing, **HEREBY ORDERS** that the following parameters govern the production of electronically stored information (“ESI”) in the above-captioned action. This Order supplements all other discovery rules and orders. It streamlines ESI production to promote a “just, speedy, and inexpensive determination” of this litigation, as required by Federal Rule of Civil Procedure 1. This Order may be modified for good cause.

1. In this litigation, except as otherwise limited herein, each party shall search for electronically-stored information (“ESI”), in accordance with the

requirements of the Federal Rules of Civil Procedure and this Stipulation, to respond to the other party's requests for production.

2. Production of Electronically Stored Information.

a. Consistent with the Federal Rules of Civil Procedure, unless negotiated otherwise, the parties shall produce all relevant, responsive, and non-privileged ESI in the following manner: ESI not produced in its native form shall be produced as single-page TIFF Group IV images, black and white, at 300 x 300 dpi resolution with a standard delimited Concordance format (DAT file):

Description	Symbol	ASCII Character
Field Separator	¶	020
Quote Character	”	254
Multi Entry delimiter	;	59
Newline	®	174

Images for individual documents must be contained in a single folder in either IPRO (LFP file) or Opticon (OPT file) format, including document breaks and page counts; and searchable text shall be provided in document level text files. To the extent possible, if a document is more than one page, the unitization of a produced electronically stored document and any attachments or affixed notes shall be maintained as it existed in the original file or computer. If unitization cannot be maintained, the original unitization shall be documented in the associated load file

or otherwise electronically tracked. Nothing herein shall require the parties to create metadata for ESI that does not exist for that ESI.

b. **Unique IDs.** Images shall be produced using a unique, consistently formatted, identifier that will be the Bates number of that page (e.g., ABC000001.TIFF). To the extent possible, the Bates number must be endorsed on the face of the image on the lower right-hand corner; confidentiality language should be endorsed on the bottom left-hand corner; and any other pertinent language may appear at the top or bottom center of the image. Native files shall be produced using a name that will bear the production number followed by the assigned designation (e.g., ABC0000002_Confidential.xls).

c. **Parent-Child Relationships.** Parent-child relationships (association between an attachment and its parent document) shall be preserved. The attachment(s) shall be produced adjacent to the parent document, in terms of Bates number, with the first attachment being named with the next sequential number after the parent, and any additional attachment(s) sequentially numbered after that first attachment.

d. **Gaps.** Documents shall be produced using sequential Bates numbers with no gaps. There shall be no gaps in Bates numbers between productions. A unique production volume number will be used for each

production. If any unavoidable gaps occur, the parties will provide advance notice of those gaps within productions and/or between productions and will provide a TIFF placeholder indicating that the gap was intentional.

e. **Objective Coding and Metadata Fields.** The parties shall provide the objective coding and metadata fields as set forth in Exhibit A. Nothing herein shall require the parties to (1) create or otherwise supply any metadata that is not maintained in the usual course of business, or (2) disclose any privileged information.

f. **Ordinary Course.** Documents shall be generally produced as they are maintained in the ordinary course of business, including maintaining, to the extent possible with reasonable production steps, the documents and attachments or affixed notes as they existed in the original when creating the image file. Reasonable efforts shall be used to produce documents at or near their original size and so that the print or image appears straight, and not skewed. Physically oversized originals, however, will appear reduced. The producing party may reduce image size to display production numbers without obscuring text.

g. **Native Format.** The producing party shall produce spreadsheets (e.g., Excel files) and any other materials not readily convertible to TIFF format (e.g., multimedia files, three-dimensional design files) in native

format. Each party shall have the option to produce data not readily convertible to TIFF format in native format if they so choose. Financial and sales data shall be produced as Excel files with format, column and row headings as used and/or maintained in the ordinary course of business by the producing party. Microsoft Word files shall be processed with all headers, footers, comments and track changes included in the TIFF images and Microsoft PowerPoint files shall be processed with all headers, footers, hidden slides, and notes included in the TIFF images. For each natively produced document, the producing party will produce a placeholder TIFF page labeled “Document Produced Natively,” branded with the appropriate confidentiality stamp, and corresponding Bates number. Upon request from the receiving party that any files be produced in native format (identified by Bates number), the parties agree to meet and confer in good faith concerning such requests, which will not be unreasonably denied.

h. **Encrypted or Password-Protected ESI.** For any ESI that exists in encrypted format or is password-protected, the producing party will so notify the requesting party and meet and confer in good faith to identify options to gain access to the affected ESI.

i. **ESI that is Not Reasonably Accessible.** Nothing in this agreement waives any party’s right to assert that responsive ESI is not reasonably

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