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18  
19 **UNITED STATES DISTRICT COURT**  
20 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

21 SONOS, INC.,  
22 Plaintiff,

23 vs.

24 GOOGLE LLC,  
25 Defendant.

CASE NO. 2:20-cv-00169-JAK (DFMx)

**JOINT DISCOVERY STIPULATION**

Judge: Hon. John A. Kronstadt

1 Upon the stipulation of the parties, the Court ORDERS as follows:

2 1. This Order streamlines Electronically Stored Information (“ESI”)  
3 production to promote a “just, speedy, and inexpensive determination of this action,  
4 as required by Federal Rule of Civil Procedure 1.”

5 2. This Order may be modified in the Court’s discretion or by stipulation.  
6 The parties shall jointly submit any proposed modifications within 30 days after the  
7 Federal Rule of Civil Procedure 16 Conference.

8 3. As in all cases, costs may be shifted for disproportionate ESI production  
9 requests pursuant to Federal Rule of Civil Procedure 26. Likewise, a party’s  
10 nonresponsive or dilatory discovery tactics are cost-shifting considerations.

11 4. A party’s meaningful compliance with this Order and efforts to promote  
12 efficiency and reduce costs will be considered in cost-shifting determinations.

13 5. General ESI production requests under Federal Rules of Civil Procedure  
14 34 and 45 shall not include email or other forms of electronic correspondence  
15 (collectively “email”). To obtain email, parties must propound specific email  
16 production requests.

17 6. Email production requests shall be propounded for specific issues only,  
18 rather than general discovery of a product or business.

19 7. Email production requests shall be phased to occur after the parties have  
20 exchanged initial disclosures and basic documentation about the patents, the prior art,  
21 the accused instrumentalities, and the relevant finances. While this provision does  
22 not require the production of such information, the Court encourages prompt and early  
23 production of this information to promote efficient and economical streamlining of  
24 the case.

25 8. Email production requests shall identify the custodian, search terms, and  
26 time frame. The parties shall cooperate to identify the proper custodians, proper  
27 search terms, and proper timeframe.

28 9. Each requesting party shall limit its email production requests to a total

1 of four custodians per producing party for all such requests. The parties may jointly  
2 agree to modify this limit without the Court’s leave. The Court shall consider  
3 contested requests for additional custodians, upon showing a distinct need based on  
4 the size, complexity, and issues of this specific case. Cost-shifting may be considered  
5 as part of any such request.

6 10. Each requesting party shall limit its email production requests to a total  
7 of five search terms per custodian per party. The parties may jointly agree to modify  
8 this limit without the Court’s leave. The Court shall consider contested requests for  
9 additional search terms per custodian, upon showing a distinct need based on the size,  
10 complexity, and issues of this specific case. The Court encourages the parties to  
11 confer on a process to test the efficacy of the search terms. The search terms shall be  
12 narrowly tailored to particular issues. Indiscriminate terms, such as the producing  
13 company’s name or its product name, are inappropriate unless combined with  
14 narrowing search criteria that sufficiently reduce the risk of overproduction. A  
15 conjunctive combination of multiple words or phrases (e.g., “computer” and  
16 “system”) narrows the search and shall count as a single search term. A disjunctive  
17 combination of multiple words or phrases (e.g., “computer” or “system”) broadens  
18 the search, and thus each word or phrase shall count as a separate search term unless  
19 they are variants of the same word. Use of narrowing search criteria (e.g., “and,” “but  
20 not,” “w/x”) is encouraged to limit the production and shall be considered when  
21 determining whether to shift costs for disproportionate discovery. Should a party  
22 serve email production requests with search terms beyond the limits agreed to by the  
23 parties or granted by the Court pursuant to this paragraph, this shall be considered in  
24 determining whether any party shall bear all reasonable costs caused by such  
25 additional discovery.

26 11. With respect to email production requests, the parties agree that the  
27 producing Party need only produce hits resulting from the agreed-on search terms and  
28 agreed-on custodians.

1 12. Nothing in this Order prevents the parties from agreeing to use  
2 technology assisted review and other techniques insofar as their use improves the  
3 efficacy of discovery.

4 13. Absent a showing of good cause, the following sources need not be  
5 searched for documents and information responsive to the parties' discovery requests:  
6 automated disaster recovery backup systems and/or disaster recovery backup tapes;  
7 RAM or temporary files; temporary internet files, history, cache, cookies, and other  
8 on-line access data; data in metadata fields that are updated automatically such as last-  
9 opened dates; data remaining from systems no longer in use that is unintelligible on  
10 the systems in use; residual, fragmented, damaged, permanently deleted, and  
11 unallocated data; legacy computer systems; audio files; video files; server systems;  
12 network logs; personal digital assistants; mobile devices; cell phones; voicemails;  
13 USB flash drives, or the like; portable disks; voicemail systems; and instant  
14 messaging conversations (e.g., Skype, Slack, gChat, etc.).

15 14. Form of Production and Electronically Stored Information

16 The metadata fields listed below at paragraph 14(n) shall generally be  
17 included in the production of ESI if such fields exist and are reasonably available to  
18 the producing party. The following parameters shall apply to ESI production:

19 (a) The general document image format of each electronic document  
20 produced shall be single-page TIFF Group IV images, black and white, at 300  
21 x 300 dpi resolution with a standard delimited concordance format (DAT file)  
22 and either IPRO (LFP file) or Opticon (OPT file) format, including document  
23 breaks and page counts. The producing party may, at any time, reproduce any  
24 document in color in JPG format or at a higher resolution. Documents  
25 reproduced in color or at a higher resolution shall bear the same production  
26 number(s) as the document originally produced where practicable. A single  
27 multi-page text file shall be provided for each document, and the filename  
28 should match its respective TIFF image filename.

1 (b) Images shall be produced using a unique file name that will be the  
2 production number of that page (e.g., ABC000001.TIF). The production  
3 number shall appear on the face of the image.

4 (c) Spreadsheets (e.g., MS Excel, Google Sheets) and delimited text files  
5 (e.g., comma-separated value (.csv) files and tab-separated value (.tsv) files)  
6 shall be produced in either their native file format or MS Excel. TIFF images  
7 need not be produced unless the files have been redacted, in which instance  
8 such files shall be produced in TIFF with OCR Text Files. If good cause  
9 exists to request production of files, other than those specifically set forth  
10 above, in native format, the party may request such production and provide an  
11 explanation of the need for native file review, which request shall not be  
12 unreasonably denied. Any native files that are produced shall be produced  
13 with a link in the NativeLink field, along with extracted text and applicable  
14 metadata fields. A TIFF placeholder indicating that the document was  
15 provided in native format should accompany the database records. If a file  
16 has been redacted, TIFF images and OCR text of the redacted document will  
17 suffice in lieu of a native file and extracted text.

18 (d) In addition, when possible native files shall be produced using a name  
19 that bears the production number, for example: ABC000002.xls. The DAT  
20 file shall also include a path to the native file.

21 (e) Parent-child relationships (association between an attachment and its  
22 parent document) shall be preserved to the extent such relationships are  
23 maintained in the normal course of business in the source repository. The  
24 attachment(s) shall be produced adjacent to the parent document in terms of  
25 production numbers, with the first attachment being named with the next  
26 sequential number after the parent, and any additional attachment(s)  
27 sequentially numbered after that first attachment. Any parent-child  
28 relationship will be reflected in the DAT file.

1 (f) Productions that contain foreign language documents shall be Unicode  
2 compliant.

3 (g) To the extent possible, the unitization of a produced electronically stored  
4 document and any attachments or affixed notes shall be maintained as it  
5 existed in the original file or computer. Scanned/paper documents should be  
6 logically unitized (i.e., to preserve page breaks between documents and  
7 otherwise allow separate documents to be identified).

8 (h) If unitization cannot be maintained, the original unitization shall be  
9 documented in the associated load file or otherwise electronically tracked if  
10 possible.

11 (i) A single multi-page text file shall be provided for each document, and the  
12 filename should match its respective TIFF filename. A commercially-  
13 acceptable technology for optical character recognition (“OCR”) shall be used  
14 for all scanned, hard copy documents written in English or other Latin-  
15 character language. When possible, the text of native files should be  
16 extracted directly from the native file. Text files will not contain the redacted  
17 portions of the documents, and OCR text files will be substituted instead of  
18 extracted text files for redacted documents. All documents shall be produced  
19 with a link in the TextLink field.

20 (j) The parties will use their best efforts to filter out common system files and  
21 application executable files and scan document productions for viruses. Hash  
22 values that may be filtered out during this process are located in the National  
23 Software Reference Library (“NSRL”) NIST hash set list. Source code files  
24 will be provided according to the Protective Order and not included in  
25 custodial data productions.

26 (k) The parties are required to produce only a single copy of a responsive  
27 document and the parties may de-duplicate responsive ESI (based on MD5 or  
28 SHA-1 hash values at the document level) across custodians, provided all

1 custodians from whose files the document was collected are identified in the  
2 ALL CUSTODIAN field (see below).

3 (l) The parties are not required to preserve metadata fields that are frequently  
4 updated in the ordinary course of business, such as last-opened dates.

5 (m) The parties shall not be required to create any metadata for production  
6 (e.g., hash value or other metadata not associated with ESI in the ordinary  
7 course of business) except that the parties will create a field to indicate  
8 whether or not a document has been marked confidential pursuant to the  
9 protective order (see below list of metadata fields). Any document produced  
10 with a confidentiality designation on the produced image is to be afforded  
11 confidential treatment under the Protective Order regardless of whether there  
12 is an entry in this field.

13 (n) The following metadata fields shall be included in the production of all  
14 ESI if such fields exist and are reasonably available to the producing party:  
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Field Name	Field Description
BEGBATES	Number stamped on first image page of document
ENDBATES	Number stamped on last image page of document
BEGATTACH	Number stamped on first image page of attachment(s)
ENDATTACH	Number stamped on last image page of attachment(s)
CONF	Indicates whether a document has been designated as Confidential or Highly Confidential pursuant to the operative protective order.
ALL CUSTODIAN	Where applicable and available, identifies the individual (custodian) from whom the document originated (naming convention: last name, first name) and all Individual(s) whose documents de-duplicated out (De-Duped Custodian).
FROM	Email author
TO	Email addressee(s)
CC	Email copyee(s)
BCC	Email blind copyee(s)
SUBJECT	Email subject line
DATE_SENT	Email date sent
TIME_SENT	Email time sent
DATE_RECEIVED	Email date received
TIME_RECEIVED	Email time received
EMAILFOLDER	Email folder path
AUTHOR	Document author
TITLE	Document title
DATECREATED	Document create date
TIMECREATED	Document create time

1	Field Name	Field Description
2	DATELASTMOD	Document last modified date
3	TIMELASTMOD	Document last modified time
4	FILENAME	File name of an electronic document or attachment
5	FILEPATH	File path of an electronic document or attachment
6	FILESIZE	File size of an electronic document or attachment
7	FILE_EXTENSION	File extension of an electronic document or attachment
8	MD5HASH	Fingerprint signature of an electronic document or attachment
9		
10	NATIVEFILELINK	For documents produced as native file, link to that file
11	TEXTFILELINK	Link to text file produced with document or attachment

12  
13 All documents shall be produced in their original language. Where a  
14 document responsive to a discovery request exists in a foreign language and an  
15 English-language version of that document exists in the producing party’s  
16 possession, custody, or control, the producing party shall produce both the original  
17 document and all pre-existing English-language versions.

18 Bates numbering and confidentiality designations shall not obscure any text  
19 or image in a document.

20 The parties also shall, upon reasonable request, produce a higher-resolution or  
21 color image of a document. The producing party shall have the option of producing  
22 the native-file version of the documents in response to such requests.

23 If a party prints (whether in hard copy or to a .pdf or other electronic image)  
24 documents, or portions thereof, that are produced in native format, the party shall  
25 mark any such printout with a footer containing (1) the document’s Bates number,  
26 and (2) any confidentiality designation assigned by the producing party to the  
27 document.

1 The parties may use encryption software, such as Accellion, kiteworks,  
2 WinZip, or PointSec, to protect any documents or materials produced on physical  
3 media.

4 15. Depositions

5 The parties agree that each party is limited to 70 hours in its depositions of fact  
6 witnesses in this litigation, including individual and Rule 30(b)(6) witnesses, and  
7 excluding expert depositions. Furthermore, either party may request additional hours  
8 for good cause. All other requirements of Federal Rule of Civil Procedure 30 apply.

9 16. Cross-Use of Discovery Materials

10 Each party may use any discovery, including any document, interrogatory  
11 response, response to request for admission, privilege log, or deposition transcript  
12 that was produced or offered by the other party in USITC Investigation No. 337-TA-  
13 1191 (“ITC Investigation”) as if the discovery had been provided in this lawsuit.

14 Any document or information used in this action that was previously  
15 produced in the ITC Investigation shall be used and treated with the same level of  
16 confidentiality for purposes of this action (e.g., a document designated by a party to  
17 the ITC Investigation as “Confidential Business Information” shall be treated as  
18 “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” pursuant to the  
19 terms of the Parties’ forthcoming Stipulated Protective Order) as an initial matter,  
20 but may be re-designated pursuant to the terms of the Stipulated Protective Order.

21 This stipulation shall constitute written permission of the Parties under the  
22 protective order entered in the ITC Investigation to allow the other party to this  
23 stipulation to retain, solely for potential use in this lawsuit, the Confidential  
24 Business Information supplied by each of the parties in the ITC Investigation,  
25 subject to treatment of such information as “HIGHLY CONFIDENTIAL –  
26 ATTORNEYS’ EYES ONLY” as provided in the preceding paragraph.

27 Any confidential portions of the Record from the ITC Investigation  
28 transferred to the District Court pursuant to 28 USC § 1659 shall be used and treated

1 by the Parties in this action as “HIGHLY CONFIDENTIAL – ATTORNEYS’  
2 EYES ONLY” pursuant to the terms of the Stipulated Protective Order.

3 Any deposition used pursuant to the first paragraph of this section shall be  
4 useable in this case as if the deposition were originally noticed and taken in this  
5 case; however, such prior depositions shall not count against the time limits  
6 specified above.

7 The re-use of any document or information from the ITC Investigation as  
8 stipulated above by either Party is for discovery purposes only and does not  
9 preclude any Party from challenging the admissibility, relevance, and  
10 responsiveness of the re-used document or information.

11  
12 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

13  
14 DATED: April 28, 2025

QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

15  
16 Bv /s/ Lance Yang

17 LANCE YANG (SBN 260705)  
18 Attorney for Defendant Google LLC

19  
20 DATED: April 28, 2025

ORRICK, HERRINGTON & SUTCLIFFE  
21 LLP  
22 *and*  
LEE SULLIVAN SHEA & SMITH LLP

23 Bv /s/ Clement S. Roberts

24 Clement S. Roberts  
25 Attorneys for Plaintiff  
26 SONOS, Inc.

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**CERTIFICATE OF SERVICE**

I, *Clement S. Roberts*, certify that pursuant to Local Rule 5-3, counsel of record who have consented to electronic service are being served on April 28, 2025 with copies of the attached document(s) via the Court’s CM/ECF system, which will send notification of such filing to counsel of record.

DATED: April 28, 2025

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE  
LLP

Bv */s/ Clement S. Roberts*  
Clement S. Roberts  
Attorneys for Plaintiff  
SONOS, Inc.