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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 IMPACT ENGINE, INC.,

12 Plaintiff,

13 v.

14 GOOGLE LLC,

15 Defendant.

Case No.: 19-cv-01301-CAB-BGS

**ORDER RE TOLLING OF 30-DAY
DISCOVERY DISPUTE DEADLINE**

[ECF NO. 66]

16
17 On April 23, 2020, the Court ordered the parties to file a Joint Statement where
18 each party was to identify the interrogatories and requests for production they wanted to
19 toll, the date by which they would do so, an explanation as to why these specific dates are
20 required, and to indicate whether there are any disputes as to the tolling requests. (*See*
21 *ECF No. 64.*) On April 29, 2020, pursuant to the Court’s order (*ECF No. 64*), Impact
22 Engine, Inc., (“Impact”) and Google LLC (“Google”) submitted a Joint Statement to toll
23 the 30-day discovery dispute deadline regarding certain interrogatories and requests for
24 production. (*ECF Nos. 66 at 2–4; 66-3.*) The parties proposed supplemental response
25 deadlines and summarized their positions regarding their tolling requests in this Joint
26 Statement and the attached Appendix C, with no party raising any disputes as to the other
27 party’s request. (*ECF Nos. 66 at 2–4; 66-3.*)
28

1 I. Google's Requests to Toll the Discovery Dispute Deadline and Impact's Requests
2 to Supplement

3 A. The Court **GRANTS** Google's request to toll the discovery dispute deadline,
4 for a period of 30 days, to raise possible discovery disputes as to Impact's
5 response to Google's Interrogatory No. 3 and Impact's response to Google's
6 Request for Production No. 60. Counsel must notify the Court by June 17,
7 2020 whether the potential discovery disputes have been resolved or the issues
8 will be waived.

9
10 B. The Court **GRANTS** the following:

- 11 1. Impact's Supplemental Response deadline to Google's Interrogatory Nos.
12 2, 6, 10, 13. The tolling of the 30-day discovery dispute deadline is
13 extended to the proposed response deadline listed in Appendix C.
- 14 2. Impact's First Supplemental Response to Google's Interrogatory Nos. 7
15 and 8 must be produced by June 12, 2020. The tolling of the 30-day
16 discovery dispute deadline as to Impact's First Supplemental Response is
17 extended until June 12, 2020.

18
19 C. The Court **GRANTS** the following, subject to modification:

- 20 1. The response deadline for Impact's Supplemental Responses to Google's
21 Requests for Production Nos. 1–5, 7–9, 12–22, 24, 26, 29, 30, 32, 41, 44–
22 46, 55, 59–73 is July 31, 2020. The Court will deem July 31, 2020 as the
23 deadline to toll the disputes regardless of whether the listed discovery is
24 completed or not. Any extension of this deadline will only be granted upon
25 a showing of good cause.

26
27 D. The Court **DENIES, without prejudice**, Impact's Further Supplement
28 deadline request to Google's Interrogatory Nos. 7 and 8, which are dependent

1 on what parties decide on how to accomplish source code inspection. The
2 parties must meet and confer to propose an alternative method to allow parties
3 to inspect source code, whether it be remote access with a secure network or
4 any alternative method that would be compatible while following COVID-19
5 guidelines. Once parties decide how they will conduct source code inspection,
6 the parties must provide a date certain as to when Further Supplementation by
7 Impact will be made, if any.
8

9 II. Impact's Requests to Toll the Discovery Dispute Deadline and Google's Requests
10 to Supplement

11 A. The Court **GRANTS** Impact's request to toll the discovery dispute deadline,
12 for a period of 30 days, to raise possible discovery disputes as to Google's
13 responses to Impact's Request for Production Nos. 30 and 32. Counsel must
14 notify the Court by June 17, 2020 whether the potential discovery disputes
15 have been resolved or the issues will be waived.
16

17 B. The Court **GRANTS** the following:

18 1. Google's Supplemental Response deadline to Impact's Interrogatory Nos.
19 1, 3, 4, 5, 6 and Google's Supplemental Response deadline to Impact's
20 Requests for Production Nos. 9, 15. The tolling of the 30-day discovery
21 dispute deadline is extended to the proposed response deadline listed in
22 Appendix C.
23

24 C. The Court **GRANTS** the following, subject to modification:

25 1. The response deadline for Google's Supplemental Responses to Impact's
26 Requests for Production Nos. 3, 4, 5, 8, 10, 13, 14, 16, 21, 23, 29 is July
27 31, 2020. The Court will deem July 31, 2020 as the deadline to toll the
28 disputes regardless of whether the listed discovery is completed or not.

1 Any extension of this deadline will only be granted upon a showing of
2 good cause.

3
4 D. The Court **DENIES, without prejudice**, the following:

5 1. Google's Supplemental Response deadline to Impact's Interrogatory No. 2
6 because the tolling date is contingent on Impact supplementing its
7 responses to Google's Interrogatory Nos. 7 and 8. Parties need to include a
8 date certain as to when Google will supplement its response.

9
10 2. Google's Supplemental Response deadline to Impact's Request for
11 Production No. 12 because the tolling date extends to the applicable
12 deadlines listed in the claim construction schedule. Parties need to include
13 a date certain as to when Google will supplement its response.

14
15 3. Google's Response deadline to Impact's Request for Production No. 18
16 because the tolling date is indefinite, until the Bay Area's and California's
17 shelter-in-place orders are lifted. Parties must meet and confer to propose
18 an alternative method for parties to inspect source code, whether it involve
19 remote access with a secure network or any other alternative method that
20 would be compatible while following COVID-19 guidelines. The parties
21 must provide a date certain in which to toll the dispute deadline.

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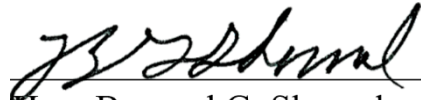
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1 4. Google's Supplemental Response deadline to Impact's Request for
2 Production No. 22 because the tolling date is contingent on Impact
3 supplementing its responses to Google's Interrogatory Nos. 7 and 8.
4 Parties need to include a date certain as to when Google will supplement
5 its response.

6 **IT IS SO ORDERED.**¹

7 Dated: May 18, 2020

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9 Hon. Bernard G. Skomal
United States Magistrate Judge

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¹ The Court notes that the tolling of these potential discovery disputes does not extend any other deadlines.