

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES-GENERAL

Case No. CV 01-9358-FMC (Ex)

Date: April 26, 2002

Title: PARAMOUNT PICTURES CORPORATION, et al. v. REPLAYTV, INC., et al.

**DOCKET ENTRY**

**PRESENT:**

**HON. CHARLES F. EICK, JUDGE**

STACEY HAMILTON  
DEPUTY CLERK

N/A  
COURT REPORTER

**ATTORNEYS PRESENT FOR PLAINTIFFS**

**ATTORNEYS PRESENT FOR DEFENDANTS:**

None

None

**PROCEEDINGS: (IN CHAMBERS)**

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The Court has read and considered all papers filed in support of and in opposition to "Plaintiffs' Motion to Compel" ("the Motion"), filed April 5, 2002. The Court heard oral argument on April 23, 2002.

Defendants shall conduct a reasonable, diligent, good faith search for documents and information within their possession, custody or control, responsive to the document requests and interrogatories referenced herein. Then, within thirty (30) days of the date of this order, Defendants shall produce all non-privileged documents (including drafts) responsive to the document requests referenced herein and shall answer the interrogatories referenced herein.

To the extent the Court now orders discovery to take place, the Court has found: (a) the subject discovery is "relevant" within the meaning of Rule 26(b)(1) of the Federal Rules of Civil Procedure; (b) Defendants have failed to carry their burden of establishing that the subject discovery is unduly burdensome and otherwise have failed to demonstrate "good cause" for a protective order; (c) the discovery sought should not otherwise be limited under Rule 26(b)(2) of the Federal Rules of Civil Procedure; (d) the asserted objections should be overruled; and (e) to the extent responsive

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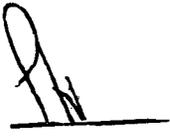
**PROCEEDINGS: (IN CHAMBERS)**

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information and documents may enjoy protection under any alleged qualified privacy privilege, the Court has determined that the need for disclosure outweighs the interest in maintaining the alleged confidentiality of the information/documents.

The document requests and interrogatories "referenced herein" are: Document Request No. 5; Document Request No. 6; Document Request No. 10; Document Request No. 11; Document Request No. 12; Document Request No. 13; Document Request No. 14; Document Request No. 15 (limited to software or proposed software related to any of the functions mentioned in Document Requests 10-14); Document Request No. 20; Document Request No. 17 (limited to documents sufficient to show the identity of any person provided access to the ReplayTV 4000 for purposes of testing, sampling, reviewing, advertising, promoting, or evaluating the features or functions of the ReplayTV 4000); Paramount Interrogatory No. 16 (limited in the same manner that Document Request No. 17 has been limited); Document Request No. 7 (limited to documents reflecting any such agreement or discussion); Document Request No. 8 (limited to documents reflecting any such contract, agreement, offer, invitation, solicitation, proposal or plan for advertising); Document Request No. 16 (limited to summary-type documents); Document Request No. 27 (limited to

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None

None

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documents reflecting any such communications); Document Request No. 28 (limited to documents reflecting any such communications); Disney Interrogatory No. 11; Disney Interrogatory No. 12; Document Request No. 29 (limited to documents reflecting any such submission, but including documents reflecting communications between Defendants and Macrovision); Disney Interrogatory No. 15; Document Request No. 26 (limited to documents reflecting any such effort); Document Request No. 25 (limited to documents reflecting any such license agreement); and Disney Interrogatory No. 19.

Additionally, within sixty (60) days of the date of this order, Defendants shall do that which Plaintiffs sought to be ordered at page 43, line 7 through page 44, line 10 of the "Joint Stipulation for Plaintiffs' Motion to Compel," filed April 5, 2002. Unless Plaintiffs elect to excuse Defendants from compliance with this part of the order, Plaintiffs shall bear three-quarters of the reasonable cost of Defendants' compliance with this part of the order.

To the extent Plaintiffs previously agreed or subsequently agree to limit the scope of any of the discovery requests referenced herein, the scope of this order is limited correspondingly.

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None

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Except as expressly stated herein, the Motion is denied, except: (a) the Court expects that, within thirty (30) days of the date of this order, Defendants will fulfill all of their prior promises to provide discovery pertaining to the subject matter of the Motion; and (b) to the extent the Motion is denied as to portions of Document Request No. 17, Document Request No. 31, and Paramount Interrogatory No. 16, such denial is without prejudice.

Any party seeking review of this order shall cause the preparation and filing of a transcript of the April 23, 2002 hearing.

cc: Judge Cooper  
All Counsel of Record

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