

1 Counsel Listed On Signature Block

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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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**In Re CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION**

) No.: M-07-5944 SC

)

) MDL NO. 1917

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This Document Relates to:

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**STIPULATION AND [PROPOSED]
ORDER REGARDING THE
PRODUCTION OF ELECTRONICALLY
STORED INFORMATION**

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ALL ACTIONS.

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I. PRODUCTION OF ELECTRONICALLY STORED INFORMATION

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A. Definitions

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1. Document(s)” means electronically stored information (ESI) existing in any medium from which information can be obtained or translated into reasonably usable form.

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2. “Native File(s)” means ESI in the file type for (or of) the application in which such ESI is normally created, viewed and/or modified.

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3. “Metadata” means: (i) information embedded in a Native File that is not ordinarily viewable or printable from the application that generated, edited, or modified such Native File; and (ii) information generated automatically by the operation of a computer or other information technology system when

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a Native File is created, modified, transmitted, deleted or otherwise manipulated by a user of such system.

4. “Static Image(s)” means a representation of ESI produced by converting a Native File into a standard image format capable of being viewed and printed on standard computer systems. A Tagged Image File Format (TIFF) image is an example of a Static Image.
5. “Load/Unitization file” means an electronic file containing information identifying a set of paper-scanned images or processed ESI and indicating where individual pages or files belong together as documents, including attachments, and where each document begins and ends. A Load/Unitization file will also contain data relevant to the individual Documents, including extracted and user created Metadata, coded data, as well as OCR or Extracted Text.
6. “OCR” means the optical character recognition file which is created by software used in conjunction with a scanner that is capable of reading text-based documents and making such documents searchable using appropriate software.
7. “Extracted Text” means the text extracted from a Native File and includes all header, footer and document body information.

B. Form and Format for the Production of ESI and Paper Documents Converted to Electronic Form

1. Electronic Production of Paper Documents
 - a. The parties will produce any paper Documents, including spreadsheets maintained in paper form, that have been scanned or otherwise converted into electronic form as of the time the documents are first produced in this litigation. The form of production shall be:

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- i. TIFF images, consistent with the specifications in Section I.B.2.b.;
 - ii. The appropriate Load/Unitization files in accordance with Exhibit “A” and consistent with the specifications in Section I.B.5.; and
 - iii. Any searchable OCR text of scanned paper Documents created by the producing party, if any, consistent with the specifications in Section I.B.4.
- b. This Stipulation creates no obligation upon the producing party to convert paper documents into electronic form.
 - c. If, however, the producing party has converted paper documents into electronic form as of the time the documents are first produced in this litigation, the producing party shall produce those documents in accordance with this Stipulation.

2. Native Files to be Produced as Static Images

- a. Except as otherwise stated below, or by order of the Special Master, Native Files will be produced to the requesting party as Static Images together with Load/Unitization files specified below.
- b. All Static Images will be produced as single page Black & White, Group 4 TIFF (.TIF or .TIFF) files at 300 x 300 dpi resolution and 8.5 x 11 inch page size, except for documents that in the producing party’s reasonable judgment require a different resolution or page size; provided, however, if a color image is produced in black and white, the receiving party may request the producing party to produce the original,

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color image, as single page, color Joint Photographic Experts Group (.JPEG or .JPG) files.

- c. All Static Image file names shall match the Bates number assigned to the image.

3. Production of Native Files

- a. The parties agree to produce Native Files of spreadsheet application files (*e.g.*, MS Excel), presentation application files (*e.g.* MS PowerPoint), and multimedia audio/video files (*e.g.*, .wav, .mpeg, .avi), subject to the right of the producing party to object to the native production of files where such production would result in the disclosure of information that is protected from disclosure by the attorney-client privilege or the work product doctrine.
- b. The parties agree to meet and confer informally regarding the production of database application files (*e.g.*, MS Access, SQL, SAP) to determine the most reasonable form of production based on the specific circumstances at hand. Notwithstanding the foregoing, a party may elect to produce Native Files of portable database application files (*e.g.*, MS-Access) without the need to meet and confer regarding the form of production.
- c. A receiving party may request that the producing party produce the Native File corresponding to a produced Static Image, subject to reasonable objection by the producing party. The request for production of any specific Native Files(s) shall include the Bates numbers of the TIFF documents to identify the corresponding Native File. Any produced Native

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File will include the Bates number of the first page of the Bates range that corresponds to the TIFF image, followed by a carat delimiter, which shall be appended as a prefix to the file name.

- d. Through the pendency of the action, the producing party should exercise reasonable, good faith, efforts to maintain all preserved and collected Native Files in a manner that does not materially alter or modify the file or the Metadata.
- e. No party may attach to any pleading or any correspondence addressed to the Court, Special Master, or any adverse or third party, or submit as an exhibit at a deposition or any other judicial proceeding, a copy of any native format document produced by any party without ensuring that the corresponding Bates number and confidentiality legend, as designated by the producing party, appears on the document.

4. Production of Searchable Text

- a. ESI shall be produced with multi-page searchable Extracted Text. For ESI from which text cannot be extracted, OCR will be produced instead, but only to the extent the producing party has created OCR as of the time the documents are first produced in this litigation, consistent with Section B (1) of this agreement.
- b. Any such Extracted Text or OCR will be produced on a document level as .TXT files, with the Text filename matching the Bates number applied to the first page of the corresponding image file followed by .TXT. Text files will be located in a directory named "TEXT" that is separate from

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the TIFF image. Text files containing foreign, non-English, language text must be converted to standard 8-bit Unicode Transformation Format (UTF-8) format by the producing party prior to production.

5. Production of Load/Unitization Files

- a. There will be two Load/Unitization files accompanying all productions of ESI. One will be a Metadata import file, in .dat format, that contains the agreed- upon Metadata fields in an ASCII text file using either Concordance default delimiters or ^ carat and | pipe delimiters to separate the fields and records. The second data file will be a cross-reference file that contains the corresponding image information. The acceptable formats for the cross-reference files are .log, .opt, .lfp. Image load files should indicate page breaks. A path to the corresponding .TXT file shall be included as a field in the Metadata import file.
- b. The appropriate Metadata import file will contain the Metadata fields detailed and described in Exhibit A to this stipulation and incorporated herein by reference, associated with each electronic document (or their equivalents), including the body of the document, to the extent the fields exist as electronic Metadata associated with the original electronic documents or are created as part of the electronic data discovery process. Party-specific exceptions to the required fields in Exhibit A are memorialized in separate side letter agreements, which are attached hereto as Addenda. The attached list of fields does not create any obligation to

1 create or manually code fields that are not automatically
2 generated by the processing of the ESI, or that do not exist as
3 part of the original Metadata of the document; provided
4 however, the producing party must populate the SOURCE
5 and CUSTODIAN fields for all produced ESI, as well as
6 paper Documents converted to electronic form as of the time
7 the documents are first produced in this litigation, regardless
8 of whether these fields would be generated during typical
9 processing of such documents. A producing party shall have
10 no obligation to provide FILEPATH information for
11 documents that a receiving party specifically requested and
12 the producing party collected by document type.

- 13 c. Any Native Files produced will be accompanied with a
14 Metadata import file that shall contain (i) the full directory
15 path and file names of the Native File(s) as contained in the
16 produced media and (ii) a uniform hash calculation field.

17 6. Processing Specifications

- 18 a. When processing ESI, GMT should be selected as the time
19 zone. To the extent that a party has already processed ESI
20 using a different time zone, the producing party will note the
21 time zone used in its processing. Parties shall consistently
22 produce all ESI processed using the same time zone.
- 23 b. When processing ESI for review and for production in TIFF
24 format, the producing party will instruct its vendor to force
25 off Auto Date and force on hidden columns or rows, hidden
26 worksheets, speaker notes, track changes, and comments.

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7. General

- a. The producing party shall use reasonable efforts to avoid producing system and application files.
- b. If the producing party redacts all or any portion of a Static Image, redactions not clearly indicated on the Static Image shall be noted in a user-generated field specified in Exhibit “A”, which the producing party shall provide in the appropriate Load/Unitization file.
- c. The parties may de-duplicate identical ESI vertically, by custodian, or horizontally (i.e., globally). All custodians who were in possession of a de-duplicated Document must be identified in the CUSTODIAN_OTHER Metadata field specified in Exhibit “A”, and all BCC recipients whose names would have been included in the BCC Metadata field but are excluded as the result of horizontal/global de-duplication, must be identified in the BCC_OTHER Metadata field specified in Exhibit “A”.

II. TERM OF AGREEMENT

This Agreement shall continue in full force and effect until further order of the Court or until this litigation is terminated by a final judgment.

IT IS SO STIPULATED.

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13 Dated: October 22, 2010

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Pursuant to General Order, § X-B, the filer attests that the concurrence in the filing of
this document has been obtained from each of the above signatories.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 12/16/10

Honorable _____
United States

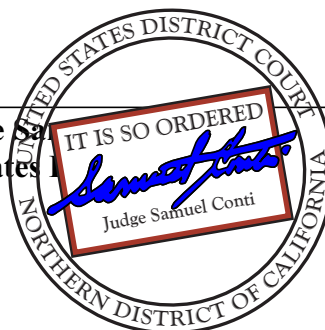


Exhibit A**Metadata Fields for Production**

Note: Metadata Field names may vary depending on the application which generate them. For example, Microsoft Outlook creates different Metadata Field names than does Lotus Notes. Accordingly, the chart below describes the Metadata Fields to be produced in generic, commonly used terms which the Producing Party is to adapt to the specific types of ESI it is producing. Any ambiguity about a Metadata Field is to be discussed with the Receiving Party prior to processing the subject ESI for production.

	Field	Definition	Doc Type
1	SOURCE	Name of party producing the document	All
2	CUSTODIAN	Name of person from whose files the document is produced	All
3	CUSTODIAN_ OTHER	Name of person(s), in addition to the Custodian, from whose files the document would have been produced if it had not been de-duplicated.	All
4	BEGBATES	Beginning Bates Number (production number)	All
5	ENDBATES	End Bates Number (production number)	All
6	PGCOUNT	Number of pages in the document	All
7	FILESIZE	File Size	All
8	APPLICAT	Application used to create document	All
9	FILEPATH	File source path for all electronically collected documents, which includes location, folder name, file name, and file source extension	All
10	NATIVEFILELINK	For documents provided in native format only	All
11	TEXTPATH	File path for OCR or Extracted Text files per paragraph (d) above	All
12	REDACTED	User-generated field that will indicated redactions made to Static Images, if such redactions are not clearly indicated on the Static Image	All
13	FOREIGNLANG	The existence of any foreign (non-English) language text in a document, as identified during processing or review by the producing party	All

	Field	Definition	Doc Type
14	HANDWRITING	The existence of any handwritten text in a document, as identified during processing or review by the producing party	All
15	MSGID	Hash or SHA Value for Emails	Email
16	FROM	Sender	Email
17	TO	Recipient	Email
18	CC	Additional Recipients	Email
19	BCC	Blind Additional Recipients	Email
20	BCC_OTHER	Blind Additional Recipients who would have shown in the "BCC" field had the originally sent Native email not been de-duplicated.	Email
21	SUBJECT	Subject line of email	Email
22	PARENTBATES	BeginBates number for the parent email of a family (will not be populated for documents that are not part of a family)	Email
23	ATTACHBATES	Bates number from the first page of each attachment	Email
24	BEGATTACH	First Bates number of family range (i.e. Bates number of the first page of the parent email)	Email
25	ENDATTACH	Last Bates number of family range(i.e. Bates number of the last page of the last attachment)	Email
26	ATTACHCOUNT	Number of attachments to an email	Email
27	ATTACHNAME	Name of each individual attachment	Email
28	DATESENT (mm/dd/yyyy)	Date Sent	Email
29	TIMESENT	Time Sent	Email
30	DATERCVD	Date Received	Email
31	TIMERCVD	Time Received	Email
32	CAL_START	Calendar/ Appointment start date and time	Email, Various
33	MSGCLASS	Type of item, e.g. email, calendar item, contact, note, task	Email, Various
34	Attendees/ Participants	Calendar/Appointment Attendees/Participants/Recipients	Email, Various
35	HASHVALUE	MD5 Hash or SHA Value for Edocs	Edocs
36	RECORDTYPE	Descriptive field created by the vendor processing software (e.g. email, edoc, image, attachment)	All
37	TITLE	Title field value extracted from the metadata of the native file.	Edocs
38	AUTHOR	Creator of a document	Edocs

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	Field	Definition	Doc Type
39	DATECRTD (mm/dd/yyyy)	Creation Date	Edocs
40	TIMCRTD	Creation Time	Edocs
41	LASTAUTHOR	Last Saved field contained in the metadata of the native file	Edocs
42	LASTMODD (mm/dd/yyyy)	Last Modified Date	Edocs
43	LASTMODT	Last Modified Time	Edocs
44	FILEEXT	File extension of the native file (e.g., XLS, DOC, PDF)	All
45	MAILSTORE	Original path of mail store	Email, various
46	SENSITIVITY	Sensitivity field extracted from native email message other other Outlook item.	Email, various
47	CONVERSATION INDEX	Email thread identifier.	Email

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**In Re CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION,**

No.: M-07-5944 SC
MDL NO. 1917

(caption continued)

This Document Relates to:
ALL ACTIONS.

**ADDENDUM TO STIPULATED ORDER
REGARDING THE PRODUCTION OF
ELECTRONICALLY STORED
INFORMATION**

WHEREAS, Hitachi, Ltd., Hitachi Displays, Ltd., Hitachi Asia, Ltd., Hitachi America, Ltd., and Hitachi Electronic Devices (USA), Inc. (collectively the “Hitachi Defendants”) have informed the Indirect Purchaser Plaintiffs and Direct Purchaser Plaintiffs (jointly “Plaintiffs”) that their vendor is incapable of producing four metadata fields identified in Exhibit A to the Stipulated Protective Order regarding the Production of Electronically Stored Information (the “Stipulated Order”) at Row 32 (CAL_START), ROW 34 (ATTENDEES/PARTICIPANTS), Row 41 (LAST AUTHOR), and Row 46 (SENSITIVITY);

WHEREAS, the Hitachi Defendants further have informed Plaintiffs that to produce the metadata identified in Exhibit A to the Stipulated Order at Row 47 (CONVERSATION_INDEX), would be overly burdensome and costly;

WHEREAS, the Hitachi Defendants have requested, based on the foregoing, to be excused from producing the five above-mentioned metadata fields; and

WHEREAS, Plaintiffs are willing to enter into this Addendum to the Stipulated Order based on the verbal and written representations made by Counsel to the Hitachi Defendants and the Hitachi Defendants’ electronic discovery vendor, Iron Mountain/Stratify.

NOW, THEREFORE,

1. Plaintiffs and the Hitachi Defendants agree that as to any document production by any of the Hitachi Defendants that would be subject to the Stipulated Order, the Parties acknowledge and agree that the Hitachi Defendants are not obligated to produce the five following metadata fields:

- a. CAL_START
- b. ATTENDEES/PARTICIPANTS
- c. LAST AUTHOR

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- d. SENSITIVITY
- e. CONVERSATION_INDEX

2. If, following the entry of this Stipulation, the Hitachi Defendants acquire the capability of processing and producing, without subjecting the Hitachi Defendants to undue burden or costs, one or more of the above-listed metadata fields (*i.e.*, CAL_START, ATTENDEES/PARTICIPANTS, LAST AUTHOR, SENSITIVITY, or CONVERSATION_INDEX), the Hitachi Defendants agree to include such metadata field or fields in all future document productions to Plaintiffs.

This Agreement shall continue in full force and effect until further order of the Special Master or until this litigation is terminated by a final judgment.

IT IS SO STIPULATED.

1 Dated: November 8, 2010

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24 Pursuant to General Order, § X-B, the filer attests that the concurrence in the filing of this
25 document has been obtained from each of the above signatories.

1 Counsel Listed On Signature Block

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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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**In Re CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION**

) No.: M-07-5944 SC

)
) MDL NO. 1917

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_____)
This Document Relates to:

) **ADDENDUM TO STIPULATED ORDER
REGARDING THE PRODUCTION OF
ELECTRONICALLY STORED
INFORMATION**

14

ALL ACTIONS.
_____)

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WHEREAS, Panasonic Corporation, Panasonic Corporation of North America and MT Picture Display Co., Ltd. (the "Panasonic Defendants") have informed the Indirect Purchaser Plaintiffs and Direct Purchaser Plaintiffs of potential issues with producing two metadata fields identified in Exhibit A to the Stipulated Order regarding the Production of Electronically Stored Information (the "Stipulated Order") at Row 32 (CAL_START) and Row 46 (SENSITIVITY);

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WHEREAS, the Panasonic Defendants have represented that they will continue to undertake reasonable, good-faith efforts to work with their vendor to extract this metadata while processing the native Electronically Stored Information and subsequently include that metadata in their productions;

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AND WHEREAS, the Panasonic Defendants, Indirect Purchaser Plaintiffs and Direct Purchaser Plaintiffs are otherwise in mutual agreement with all other terms and conditions as set forth in the Stipulated Order.

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NOW, THEREFORE,

1. The Panasonic Defendants agree to continue to undertake reasonable, good-faith efforts to resolve the issues with their vendor in extracting the above-identified CAL_START and SENSITIVITY metadata fields during processing.

2. The Panasonic Defendants, Indirect Indirect Purchaser Plaintiffs and Direct Purchaser Plaintiffs agree to continue to informally meet and confer regarding this matter.

3. The Panasonic Defendants, Indirect Indirect Purchaser Plaintiffs and Direct Purchaser Plaintiffs agree to submit an amendment to this Addendum setting forth their mutually agreed upon final resolution to this matter within forty-five days following filing of the Stipulated Order.

This Agreement shall continue in full force and effect until further order of the Special Master or until this litigation is terminated by a final judgment.

IT IS SO STIPULATED.

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Dated: October 6, 2010

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(continued on next page)

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Dated: October 6, 2010

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Pursuant to General Order, § X-B, the filer attests that the concurrence in the filing of this document has been obtained from each of the above signatories.