

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 10-11364-GAO

CONTENT MANAGEMENT ASSOCIATES, INC.,
Plaintiff,

v.

FMR LLC and FIDELITY EMPLOYER SERVICES COMPANY, LLC,
Defendants.

ORDER

February 13, 2012

O'TOOLE, D.J.

The plaintiff here must identify with reasonable particularity the trade secrets that may have been misappropriated before it is entitled to compel discovery for its trade secrets claims. See L-3 Commc'ns Corp. v. Reveal Imaging Techs., Inc., 18 Mass. L. Rptr. 512, 2004 WL 2915743, at *13 (Mass. Super. Ct. Dec. 2, 2004); see also Xerox Corp. v. Int'l Bus. Machs. Corp., 64 F.R.D. 367, 371-72 (S.D.N.Y. 1974). After review of the parties' submissions, I find that the plaintiff has not identified its trade secrets with the necessary reasonable particularity.

The requirement to provide greater particularity balances the concerns of each party. As for the plaintiff, there is little risk that it will jeopardize its trade secrets through greater particularization because it already has revealed to Fidelity its system's source code. As for the defendants, they will receive a particular identification of the trade secrets at issue such that they can know what they need to address in defense and seek to prevent unwarranted "fishing expeditions."

The current discovery deadlines are suspended. The plaintiff will have sixty days from the date of entry of this Order to produce to the defendants the written identification of its trade secrets. The parties will submit to the Court on or before April 23, 2012 a proposed revised discovery schedule and will appear on April 30, 2012 at 2 P.M. in Courtroom 9 for a scheduling conference.

Accordingly, Plaintiff's Motion (dkt. no. 22) to Compel is DENIED without prejudice, and Defendants' Motion (dkt. no. 30) to Compel is GRANTED in accordance with this Order.

It is SO ORDERED.

/s/ George A. O'Toole, Jr.
United States District Judge