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**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION**

ACCESSDATA CORPORATION, a Utah  
corporation,

Plaintiff,

v.

ALSTE TECHNOLOGIES GmbH, a  
German limited liability company,

Defendant.

ALSTE TECHNOLOGIES GmbH, a  
German limited liability company,

Counterclaimant,

v.

ACCESSDATA CORPORATION, a Utah  
corporation,

Counterdefendant.

Case No. 2:08-CV-00569

Chief District Judge Tena Campbell

Magistrate Paul M. Warner

**DEFENDANT ALSTE TECHNOLOGIES'  
RESPONSE TO COURT ORDER  
REGARDING SUMMARY OF DISCOVERY**

Pursuant to the Court's order issued on January 20, 2010, Defendant and Counterclaimant ALSTE Technologies GmbH ("ALSTE") respectfully submits the following response to the Court's Order relating to AccessData's Motion for Entry of Scheduling Order.

**I. DISCOVERY COMPLETED**

<b>DISCOVERY COMPLETED BY ACCESSDATA</b>	
1.	<b>Plaintiff's First Set of Requests for Production of Documents to Defendant</b> (served on June 1, 2009; written responses provided on July 21, 2009)
2.	<b>Plaintiff's First Set of Interrogatories to Defendant</b> (served on June 1, 2009; written responses provided on July 21, 2009)
3.	<b>Plaintiff's Second Set of Request for Production of Documents to Defendant</b> (served on August 5, 2009; written responses provided on September 4, 2009; supplemental responses due February 22, 2010 pursuant to court order)
4.	<b>Plaintiff's Second Set of Interrogatories to Defendant</b> (served on August 5, 2009; written responses provided on September 4, 2009; supplemental responses due February 22, 2010 pursuant to court order)

<b>DISCOVERY COMPLETED BY ALSTE TECHNOLOGIES</b>	
1.	<b>Defendant's First Set of Requests for Production of Documents to Defendant</b> (served September 10, 2009; written responses provided on October 16, 2009; documents produced on October 22 and November 2, 2009; Defendant is contemplating filing a motion to compel)

**II. PROPOSED DISCOVERY AND REASONS NOT COMPLETED**

	<b>PROPOSED DISCOVERY</b>	<b>REASONS NOT COMPLETED</b>
1.	Depositions of individuals residing in <b>Utah</b> : Jon Hansen, Omar Leemann, Tim Leehealey, Trey Tramonte, Eric Thompson, Keith Lockhart, Troy Clark and Brian Karney	ALSTE is small company with very limited resources. It was not cost effective to prepare or conduct the proposed depositions until AccessData's motion for summary judgment and motion to dismiss ALSTE's counterclaims were decided. ALSTE is now in the process of: (1) researching the technical aspects of the FTK 2.0 defects in preparation for the depositions; and (2) conferring with German counsel regarding conducting discovery in Germany in preparation for the depositions.
2.	Second Set of Requests for Production of Documents	ALSTE is contemplating filing a motion to compel with regards to its first request for production of documents. ALSTE conducted forensic analysis on the electronic documents produced by AccessData in November 2009 and has reason to believe AccessData deleted responsive files. ALSTE may opt to propound a second request for production in lieu of the motion to compel to save on costs, pending the final results of its investigation.
3.	Depositions of customers based in <b>Germany</b> who purchased the FTK 2.0 product	ALSTE is in the process of conferring with German counsel regarding conducting written discovery and/or informal discovery in Germany. Upon completion of written and/or informal discovery in Germany, ALSTE intends to select a few customers to depose. After receiving authorization from the customers or some other type of authorization pursuant to German law, ALSTE intends to depose those select customers with regards to defects and problems experienced with the FTK 2.0 product.

RESPECTFULLY SUBMITTED this 27th day of January, 2010.

By           /s/ Samuel A. Wong            
Samuel A. Wong  
Attorneys for Defendant Alste  
Technologies GmbH

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 27th day of January, 2010, a true and correct copy of the foregoing **DEFENDANT ALSTE TECHNOLOGIES' RESPONSE TO COURT ORDER REGARDING SUMMARY OF DISCOVERY** was served upon the persons named below, at the address set out below their name, either by mailing postage prepaid, by hand-delivery, by Federal Express, by telecopying to them or by the CM/ECF electronic filing system, a true and correct copy of said document.

**Sterling A. Brennan, Esq.**  
**L. Rex Sears, Esq.**  
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- U.S. Mail
- Federal Express
- Hand-Delivery
- Telefacsimile
- Other: CM/ECF

By     /s/ Samuel A. Wong