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3 **UNITED STATES DISTRICT COURT**
4 **CENTRAL DISTRICT OF CALIFORNIA**

5 ANCORA TECHNOLOGIES,
6 INC.

7 Plaintiff,

8 v.

9 TCT MOBILE (US) INC.,
10 HUIZHOU TCL MOBILE
11 COMMUNICATION CO.,
12 LTD., and SHENZHEN TCL
CREATIVE CLOUD
TECHNOLOGY CO., LTD.,

Defendants.

Case No. 8:19-cv-02192-GW(ASx)
(LEAD CASE)

Consolidated Case No.:
Case No. 2:20-cv-01252-GW(ASx)

[Hon. George H. Wu]
[Hon. Alka Sagar]

PROTECTIVE ORDER

13 1. A. PURPOSES AND LIMITATIONS

14 Discovery in this action is likely to involve production of confidential, proprietary,
15 or private information for which special protection from public disclosure and from
16 use for any purpose other than prosecuting this litigation may be warranted.
17 Accordingly, the parties hereby stipulate to and petition the Court to enter the
18 following Stipulated Protective Order. The parties acknowledge that this Order does
19 not confer blanket protections on all disclosures or responses to discovery and that the
20 protection it affords from public disclosure and use extends only to the limited
21 information or items that are entitled to confidential treatment under the applicable
22 legal principles. The parties further acknowledge, as set forth in Section 12.3, below,
23 that this Stipulated Protective Order does not entitle them to file confidential
24 information under seal. Civil Local Rule 79-5 sets forth the procedures that must be

1 followed and the standards that will be applied when a party seeks permission from
2 the court to file material under seal.

3 B. GOOD CAUSE STATEMENT

4 This action is likely to involve trade secrets, customer and pricing lists and other
5 valuable research, development, commercial, financial, technical and/or proprietary
6 information for which special protection from public disclosure and from use for any
7 purpose other than prosecution of this action is warranted. Such confidential and
8 proprietary materials and information consist of, among other things, confidential
9 business or financial information, information regarding confidential business
10 practices, or other confidential research, development, or commercial information
11 (including information implicating privacy rights of third parties), information
12 otherwise generally unavailable to the public, or which may be privileged or otherwise
13 protected from disclosure under state or federal statutes, court rules, case decisions,
14 or common law. Accordingly, to expedite the flow of information, to facilitate the
15 prompt resolution of disputes over confidentiality of discovery materials, to
16 adequately protect information the parties are entitled to keep confidential, to ensure
17 that the parties are permitted reasonable necessary uses of such material in preparation
18 for and in the conduct of trial, to address their handling at the end of the litigation, and
19 serve the ends of justice, a protective order for such information is justified in this
20 matter. It is the intent of the parties that information will not be designated as
21 confidential for tactical reasons and that nothing be so designated without a good faith
22 belief that it has been maintained in a confidential, non-public manner, and there is
23 good cause why it should not be part of the public record of this case.

1 2.1 Action: Case No. 8:19-cv-02192-GW-ASx (LEAD CASE);
2 Consolidated Case No.: 2:20-cv-01252-GW-ASx.

3 2.2 Challenging Party: a Party or Non-Party that challenges the designation
4 of information or items under this Order.

5 2.3a “CONFIDENTIAL” Information or Items: information (regardless of
6 how it is generated, stored or maintained) or tangible things that qualify for protection
7 under Federal Rule of Civil Procedure 26(c), and as specified above in the Good Cause
8 Statement.

9 2.3b “CONFIDENTIAL OUTSIDE COUNSEL ONLY” Information or Items
10 (hereinafter “COCO”): information (regardless of how it is generated, stored or
11 maintained) or tangible things that are extremely sensitive and disclosure to persons
12 other than the parties’ respective Outside Counsel of Record would create a substantial
13 risk of injury, business loss or competitive disadvantage, including without limitation,
14 trade secrets, sensitive financial information, and/or other proprietary information.

15 2.3c “HIGHLY CONFIDENTIAL – SOURCE CODE” Information or Items
16 (hereinafter “HCSC”): documents or information containing or substantively relating
17 to confidential, proprietary and/or trade secret source code or technical design
18 documentation. See Section 11 of this Protective Order.

19 2.4 Counsel: Outside Counsel of Record and House Counsel (as well as their
20 support staff).

21 2.5 Designating Party: a Party or Non-Party that designates information or
22 items that it produces in disclosures or in responses to discovery as
23 “CONFIDENTIAL” or “COCO” or “HCSC.”

24 2.6 Disclosure or Discovery Material: all items or information, regardless of

1 among other things, testimony, transcripts, and tangible things), that are produced or
2 generated in disclosures or responses to discovery in this matter.

3 2.7 Expert: a person with specialized knowledge or experience in a matter
4 pertinent to the litigation who has been retained by a Party or its counsel to serve as
5 an expert witness or as a consultant in this Action.

6 2.8 House Counsel: attorneys who are employees of a party to this Action.
7 House Counsel does not include Outside Counsel of Record or any other outside
8 counsel.

9 2.9 Non-Party: any natural person, partnership, corporation, association, or
10 other legal entity not named as a Party to this action.

11 2.10 Outside Counsel of Record: attorneys who are not employees of a party
12 to this Action but are retained to represent or advise a party to this Action and have
13 appeared in this Action on behalf of that party or are affiliated with or assisting a law
14 firm which has appeared on behalf of that party, and includes support staff.

15 2.11 Outside General Counsel: attorneys who are not employees of a party to
16 this Action but are retained to represent or advise a party to this Action, including
17 support staff.

18 2.12 Party: any party to this Action, including all of its officers, directors,
19 employees, consultants, retained experts, and Outside Counsel of Record (and their
20 support staffs).

21 2.13 Producing Party: a Party or Non-Party that produces Disclosure or
22 Discovery Material in this Action.

23 2.14 Professional Vendors: persons or entities that provide litigation support
24 services (e.g., photocopying, videotaping, translating, preparing exhibits or

1 demonstrations, and organizing, storing, or retrieving data in any form or medium)
2 and their employees and subcontractors.

3 2.15 Protected Material: any Disclosure or Discovery Material that is
4 designated as “CONFIDENTIAL” or “COCO” or “HCSC.”

5 2.16 Receiving Party: a Party that receives Disclosure or Discovery Material
6 from a Producing Party.

7 3. SCOPE

8 The protections conferred by this Stipulation and Order cover not only
9 Protected Material (as defined above), but also (1) any information copied or extracted
10 from Protected Material; (2) all copies, excerpts, summaries, or compilations of
11 Protected Material; and (3) any testimony, conversations, or presentations by Parties
12 or their Counsel that might reveal Protected Material.

13 Nothing in this Order shall bar or otherwise restrict Outside Counsel of Record
14 for a party from rendering advice to his client with respect to this Action and, in the
15 course thereof, relying upon his or her examination of materials designated
16 “CONFIDENTIAL” or “COCO” or “HCSC,” provided that no disclosure of the
17 substance of any such material shall be made except as (i) permitted herein or (ii) if
18 such statement is a general conclusory statement indicating the nature and strength of
19 the proofs the other party (or any third party) has offered.

20 Any use of Protected Material at trial shall be governed by the orders of the trial
21 judge. This Order does not govern the use of Protected Material at trial.

22 4. DURATION

23 Even after final disposition of this litigation, the confidentiality obligations
24 imposed by this Order shall remain in effect until a Designating Party agrees otherwise

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