

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NEODRON, LTD.,
Plaintiff,
v.
LENOVO GROUP, LTD., et al.,
Defendants.

Case No. 19-cv-05644-SI

**ORDER RE STIPULATED REQUEST
RE SECTION 8 OF THE PROTECTIVE
ORDER**

Re: Dkt. No. 55

The Court, having considered the parties’ stipulated request for the Court to consider the parties’ proposals and approve, modify, or otherwise provide a provision for Section 8 (Prosecution Bar) of the Protective Order in this case, rules as follows.

The Court ORDERS that the language below be adopted into Section 8 of the Protective Order entered in this case:

Absent written consent from the Producing Party, any individual who receives access to technical “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” or “HIGHLY CONFIDENTIAL – SOURCE CODE” information shall not be involved in the prosecution of patents or patent applications relating to touch controllers and touch sensors, including without limitation the patents asserted in this action and any patent or application claiming priority to or otherwise related to the patents asserted in this action, before any foreign or domestic agency, including the United States Patent and Trademark Office (“the Patent Office”). For purposes of this paragraph, “prosecution” includes directly or indirectly drafting, amending, advising, or otherwise affecting the scope or maintenance of patent claims.¹ To avoid any doubt, “prosecution” as used in this paragraph does not include representing a party challenging or defending a patent before a domestic or foreign agency (including, but not limited to, a reissue protest, ex parte reexamination or inter partes reexamination) so long as the individual does not participate in

¹ Prosecution includes, for example, original prosecution, reissue and reexamination

United States District Court
Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

or assist in amending existing claims or adding new claims during the proceeding. For the avoidance of doubt, in the event any person files a reissue protest, ex parte reexamination, inter partes review, covered business methods, post grant review, or other proceeding before the Patent Office regarding the Patents-in-Suit or related patents, Outside Counsel for any Party involved in said proceeding before the Patent Office that has accessed technical “HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL ONLY” or “HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL ONLY – SOURCE CODE” may participate and assist in such reexamination, review, or proceeding so long as the individual does not participate in or assist in amending existing claims or adding new claims during the proceeding. This Prosecution Bar shall begin when the affected individual first received access to technical “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” or “HIGHLY CONFIDENTIAL – SOURCE CODE” information and shall end eighteen (18) months after final termination of this action.

IT IS SO ORDERED.

Dated: January 23, 2020



SUSAN ILLSTON
United States District Judge