

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ROBERT BOSCH LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 12-574-LPS-CJB
)	
ALBEREE PRODUCTS, INC.,)	JURY TRIAL DEMANDED
API KOREA CO., LTD., and)	
SAVER AUTOMOTIVE PRODUCTS, INC.,)	
)	
Defendants.)	
<hr/>		
ROBERT BOSCH LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 14-142-LPS
)	
ALBEREE PRODUCTS, INC.,)	JURY TRIAL DEMANDED
API KOREA CO., LTD., and)	
SAVER AUTOMOTIVE PRODUCTS, INC.)	
)	
Defendants.)	

[PROPOSED]
STIPULATED PROTECTIVE ORDER

Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, Plaintiff Robert Bosch LLC and Defendants Alberee Products, Inc., API Korea Co., Ltd., and Saver Automotive Products, Inc., by and through their respective counsel of record, hereby jointly submit and request entry of this Stipulated Protective Order. The parties stipulate and agree that certain documents and information produced or to be produced during discovery in the above titled litigation (the “Action”) should be kept confidential in order to protect the legitimate business interests of the parties and their customers, business partners, and other non-parties and that the following provisions shall govern the treatment of such information.

1. Right to Designate. Any party to this Action, and any non-party from whom discovery is sought in connection with this Action who agrees to be bound by the provisions of this Protective Order, may designate as “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” any “Protected Information” produced by such party (the “Designator”). “Protected Information” is defined herein as any information, document, testimony, thing, data, file, or other material that constitutes or contains proprietary, confidential, and/or commercially sensitive technical, business, financial or commercial information. “Recipient” as used herein refers to any party to this Action who receives Protected Information designated pursuant to this Protective Order.

2. Confidential Designations.

a. By designating material “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” the Designator is representing that it believes in good faith that the designated material is entitled to protection under Rule 26(c)(1)(G) of the Federal Rules of Civil Procedure.

b. “Confidential” material includes any Protected Information concerning a person’s business operations, processes, and technical and development information, the disclosure of which is likely to harm that person’s competitive position, or the disclosure of which would contravene an obligation of confidentiality to a third person or to a Court.

c. “Highly Confidential – Attorneys’ Eyes Only” material includes any Protected Information that is not publicly available and the disclosure of which is likely to significantly harm that person’s competitive position, or the disclosure of which would contravene an obligation of confidentiality to a third person or to a Court. Such Protected Information includes, without limitation: (i) trade secrets, know-how, proprietary

research, development and/or technical information, (ii) unpublished patent applications and patent prosecution documents, and (iii) sensitive business, financial, or commercial information.

3. Disclosure of Protected Information. Until or unless the Court rules otherwise, Protected Information designated as “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” and copies, extracts, compilations and summaries thereof, as well as the information therein, shall be maintained in confidence by the Recipient.

a. Protected Information designated “Highly Confidential – Attorneys’ Eyes Only” shall not be disclosed or otherwise communicated to any person(s) except:

(i) Outside Counsel for the parties. As used herein, “Outside Counsel” shall mean the following listed law firms, including their attorneys and clerical, litigation support and paralegal employees:

KENYON & KENYON LLP
One Broadway
New York, NY 10004

POTTER ANDERSON & CORROON LLP
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, DE 19801

BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747

O’KELLY ERNST & BIELLI, LLC
901 N. Market St., Suite 1000
Wilmington, Delaware 19801

(ii) Testifying experts, non-testifying experts, consultants, and/or consulting firms for each of the parties, specifically engaged by counsel or the parties to assist in this Action, who have been properly disclosed in accordance with paragraph 5 and have executed an undertaking in the form of Exhibit A;

(iii) Vendors retained by a party or by counsel of record, including without limitation: graphics or design services retained for purposes of preparing demonstrative or other exhibits for deposition, trial or other court proceedings; translators, copy services, companies that digitize documents, and other similar document management vendors; and jury research or trial consulting services. Any such vendors shall first execute an undertaking in the form of Exhibit A. Such agreement may be signed by an authorized agent on behalf of a vendor that is an entity; it need not be signed by each employee of a vendor performing services. In addition, selected items containing Protected Information may be shown to persons selected to serve as members of focus groups, mock juries or similar studies provided that such persons are screened to ensure that they are not employed by or affiliated with competitors of any of the parties hereto, and provided that such persons agree in writing (in a form approved by the other parties, although not necessarily in the form of Exhibit A) to keep confidential any Protected Information disclosed to them during such studies;

(iv) Any person being examined as a witness during a deposition or at trial concerning any Protected Information authored by that person or to which that person otherwise had lawful access prior to his or her examination; and

(v) The Court, jurors, and any court officers, court stenographers, and outside copy services used by the Court whose function requires them to have access to Protected Information; and

(vi) Any other person, upon order of the Court.

b. Protected Information designated “Confidential” shall not be disclosed or otherwise communicated to any person(s) except those individuals identified in paragraph 3(a) above and up to two (2) individuals from the Recipient party who have been disclosed to Designator in advance of the disclosure and have executed an undertaking in the form of Exhibit A.

4. Disclosure of Protected Information to Others. If any party wishes to disclose another party’s Protected Information to any person not described in paragraph 3 above, that party must notify the Designator in writing and provide (1) the name of the person to whom the Protected Information is to be disclosed and (2) a description of the Protected Information proposed to be disclosed to such person. The Designator must, within ten (10) business days, notify the party wishing to disclose the information of its objections, if any, to the disclosure. If

the Designator objects to the disclosure, the party wishing to disclose the information must seek relief pursuant to Fed. R. Civ. P. 37, requesting permission to disclose the Protected Information to the named person. If relief is sought, such Protected Information shall not be disclosed to the named person pending a decision by the Court. If no relief is sought, the protection afforded Protected Information designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” shall continue as to the Protected Information described in the moving party’s notice given pursuant to this paragraph. Any person who becomes authorized to receive the Protected Information described in the moving party’s notice pursuant to this paragraph shall, prior to receipt of the Protected Information, execute an undertaking in the form of Exhibit A. Disclosures made to all persons to whom disclosures are permitted hereunder shall be made subject to and in accordance with the terms of this Protective Order.

5. Designation of Consultants. Any Recipient may designate a reasonable number of retained expert consultants (either testifying or non-testifying) (“Consultants”) to have access to Protected Information under this Protective Order if the Consultants are: (i) neither employees of a party nor anticipated to become employees of a party in the near future; and (ii) engaged by or on behalf of a party as bona fide Consultants or experts for purposes of this Action. The following procedures shall govern the designation of Consultants under this Protective Order:

a. The party designating a Consultant shall provide the other parties with: (i) a current resume or curriculum vitae of such person that identifies all of the Consultant’s employers and the persons or entities for whom the Consultant has consulted within the past five (5) years, and provide a general description of the nature of such consulting engagements and the timeframe for such consulting, (ii) a list of all other cases in which, during the previous five (5) years, the Consultant testified as an expert at trial, by

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