

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN LOCATION-SHARING
SYSTEMS, RELATED SOFTWARE,
COMPONENTS THEREOF, AND
PRODUCTS CONTAINING SAME**

Inv. No. 337-TA-1347

**ORDER NO. 14: GRANTING COMPLAINANTS' AND RESPONDENTS' JOINT
UNOPPOSED MOTION FOR ENTRY OF ADDENDUM TO THE
PROTECTIVE ORDER REGARDING SOURCE CODE**

(May 12, 2023)

On May 2, 2022, Complainants AGIS Software Development LLC and Advanced Ground Information Systems, Inc. (“Complainants” or “AGIS”) and Respondents Google LLC (“Google”); ASUSTeK Computer Inc. and ASUS Computer International (“ASUS”); BLU Products, Inc. (“BLU”); HMD Global, HMD Global OY, and HMD America, Inc. (“HMD”); Kyocera Corporation (“Kyocera”); Lenovo Group Ltd., Lenovo (United States) Inc., and Motorola Mobility LLC (“Lenovo”); OnePlus Technology (Shenzhen) Co., Ltd (“OnePlus”); Panasonic Holdings Corporation and Panasonic Corporation of North America (“Panasonic”); Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (“Samsung”); Sony Corporation and Sony Mobile Communications, Inc. (“Sony”); TCL Technology Group Corporation, TCL Communication Technology Holdings Limited, TCL Electronics Holdings Limited, and TCT Mobile (US) Inc. (“TCL”); and Xiaomi Corporation, Xiaomi H.K. Ltd., Xiaomi Communications Co., Ltd., and Xiaomi Inc. (“Xiaomi”) (all collectively, “Respondents”) filed a joint, unopposed motion to enter an addendum to the protective order (Motion 1347-005).

The amended protective order added paragraph 18 governing the discovery of source code.


The parties explained that their source code “constitutes highly valuable, confidential, and

proprietary information.” Mot. 1347-005 at 2. They asserted that good cause exists to provide additional protection to the source code at issue in this investigation. *Id.* at 2–3. I find that good cause exists to allow paragraph 18 to govern the discovery of source code and grant the joint motion in part as it relates to paragraph 18.

The amended protective order also added paragraph 19, which provided a prosecution bar. During a case management conference held on May 10, 2023, Respondents and Staff explained that good cause existed for a prosecution bar because a prosecution bar exists in parallel district court litigation between the parties and because of concerns that absent a prosecution bar order, there may later be disputes about prosecution of related patents by attorneys who have appeared this investigation. EDIS Doc. No. 796188 (May 10, 2023 Case Management Conference Tr.) at 31:13-24, 32:14-33:6. Source code review is also set to begin shortly, and the timeline for review is limited. *Id.* at 33:24-34:7. Under the circumstances, and because this is a joint, unopposed motion, I find that good cause exists for the requested prosecution bar.

An amended protective order with the parties’ requested Paragraphs 18 and 19 will be separately entered on EDIS.

SO ORDERED.


Bryan F. Moore
Administrative Law Judge