

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE NEO WIRELESS, LLC
PATENT LITIG.

2:22-MD-03034-TGB

HON. TERRENCE G. BERG

PROTECTIVE ORDER

Pursuant to Federal Rule of Civil Procedure 26(c), the Court hereby enters the following protective order:

1. **Designated Material** – Any document or thing that a producing party reasonably and in good faith believes to contain confidential information that is not publicly available (such as research and development, commercial, or other sensitive information) may be produced by that party with the clear and obvious designation “CONFIDENTIAL,” “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY,” or “CONFIDENTIAL – RECEIVING PARTY ONLY” (“Designated Material”). The legend or stamp shall be placed on each page of the Protected Material (except deposition and hearing transcripts) for which such protection is sought. For deposition and hearing transcripts, the legend or stamp

shall be placed on the cover page of the transcript (if not already present on the cover page of the transcript when received from the court reporter) by each attorney receiving a copy of the transcript after that attorney receives notice of the designation of some or all of that transcript as Designated Material.

2. **Non-Disclosure of Confidential Information** – Any document or thing designated as “CONFIDENTIAL” may only be used to prosecute or defend this action and shall not be disclosed to (or the content discussed with) anyone other than the following persons:

- a. Outside counsel of record in this Action and their support staff (e.g., copying and document management personnel).
- b. Personnel of the receiving party to the extent reasonably necessary for the litigation of this Action.
- c. Independent experts or consultants engaged by a party’s attorneys to assist in the preparation and trial of this case who agree to abide by the terms of this Protective Order by signing Exhibit A and who are approved by the producing party pursuant to paragraph 7 below.
- d. Deposition witnesses of the producing party whose testimony is being taken with respect to the document or thing, or about the

subject matter of the document or thing, who (i) agree to abide by the terms of this Protective Order, (ii) are the author or recipient of a document containing the information or a custodian or other person who otherwise possessed or knew the information, or (iii) are listed as a corporate designee for which the document is relevant.

- e. Independent litigation support services, including persons working for or as court reporters, graphics or design services, jury or trial consulting services, and photocopy, document imaging, and database services retained by counsel and reasonably necessary to assist counsel with the litigation of this Action.
- f. Anyone else to whom the designating party consents, as long as such consent is provided in writing by the designating party or its outside counsel of record.
- g. This Court and its staff members.

3. Non-Disclosure of Confidential – Receiving Party Only

Information – Any Designated Material which the designating party believes should be limited solely to the receiving party (for example, settlement

communications with a particular defendant not shared with other co-defendants) may be produced with the clear and obvious designation “CONFIDENTIAL – RECEIVING PARTY ONLY.” Documents produced with this designation shall be treated the same as those designated “CONFIDENTIAL,” except that, with respect to paragraphs 2.a., 2.c., 2.d., and 2.e., the documents may only be shared with outside counsel, experts, deposition witnesses, or support services *of the receiving party* itself, rather than those of any party.

4. Non-Disclosure of Highly Confidential– Attorneys’ Eyes Only Information– Any document or thing that a party reasonably and in good faith believes to contain highly confidential information that is not publicly available (such as a trade secret, or highly confidential research and development, commercial, or other sensitive information) may be produced by that party with the clear and obvious designation “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.” Any document or thing produced with this designation may only be used to prosecute or defend this action and shall not be disclosed to (nor the content discussed with) anyone other than the persons set forth above in Paragraphs 2.a and 2.c-2.g.

5. Disclosure to Experts and Consultants – Before any Designated Material is disclosed to an independent expert or consultant, the receiving party

shall give the producing party five business (5) days written notice of the proposed expert by providing the following information:

- a. the expert or consultant's name and the city and state of his or her primary residence;
- b. the expert or consultant's current CV;
- c. the expert or consultant's current employer(s);
- d. a list of litigation matters in which the expert has provided a report or testified (at trial or deposition) including the name and number of the case, filing date, and location of court; and
- e. a list of companies that the individual has been employed by or provided consulting services pertaining to the field of the invention of the patent(s)-in-suit or the products accused of infringement within the last four (4) years and a brief description of the subject matter of the consultancy or employment.

If the producing party objects to the consultant or expert, it must notify the receiving party in writing that it objects to the disclosure of the Protected Material to the consultant or expert within five business (5) days of disclosure. The parties shall first attempt to resolve their disagreement without Court intervention. If the producing party objects to the expert, no designated material or information of the

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