

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

IN RE NEO WIRELESS, LLC  
PATENT LITIG.

Case No. 2:22-md-03034-TGB  
HON. TERRENCE G. BERG  
JURY TRIAL DEMANDED

**STIPULATED SUPPLEMENTAL PROTECTIVE ORDER  
REGARDING NON-PARTY INTEL CORPORTION**

WHEREAS, the Court entered a Protective Order in the above referenced action on October 18, 2022 (“Protective Order”); and

WHEREAS, Neo Wireless, LLC (“Plaintiff”); Defendant Tesla Inc. in the above-referenced matter (“Tesla”)<sup>1</sup> (together, hereinafter referred to as “the Parties”); and Intel Corporation (“Intel”), a non-party to this action, may produce confidential Source Code (as defined below) in this action; and

WHEREAS the Parties and Intel have agreed to provisions in addition to those in the Protective Order to protect Intel confidential information;

IT IS HEREBY ORDERED that Source Code produced by Intel in connection with the above-captioned matter shall be subject to the following restrictions:

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<sup>1</sup> This Protective Order governs access only for the Plaintiff Neo Wireless and Defendant Tesla, Inc. Intel does not agree that any other defendant in the consolidated matter referenced in the caption above would have access in any manner to Intel material produced in this action.

## A. Definitions

1. “Party”: any party to this action, including all of its officers, directors, employees, consultants, retained experts and consultants, and outside counsel (and their support staff).
2. “Producing Party” or “Designating Party”: Intel.
3. “Receiving Party”: a Party that receives Designated Material from Intel.
4. “Source Code”: RTL, HDL, schematics, layout files, microcode, process flows or recipes, and similarly sensitive design information.
5. “OUTSIDE COUNSEL RESTRICTED – INTEL SOURCE CODE Material”: Source Code and copies, abstracts, compilations, summaries, and extracts of Source Code.
6. “Designated Material”: Material that is designated “OUTSIDE COUNSEL RESTRICTED – INTEL SOURCE CODE” and all copies, abstracts, compilations, summaries, and extracts of such Material.
7. “Export Controlled Information” means all Source Code subject to federal export control regulations, including the Export Administration Regulations (“EAR”), 15 C.F.R. §§ 730, et seq.
8. “Counsel of Record”: (i) outside counsel who appear on the pleadings as counsel for a Party, and (ii) licensed partners and associates of such outside counsel to whom it is reasonably necessary to disclose the information for this litigation and

administrative personnel employed by the outside counsel, such as paralegals, legal translators, legal secretaries, legal clerks, and shorthand reporters. “Counsel of Record” does not include (i) a person who is an employee, director, or officer of a Party or a Party’s affiliates even if that person appears on the pleadings as counsel for a Party or (ii) a person employed by the attorneys who gives technical, scientific or financial advice relating to the substantive issues in this action unless that person is a licensed attorney or patent agent.

9. “Outside Consultant”: a person with specialized knowledge or experience in a matter pertinent to the action who is retained by a Party or retained or employed by its Counsel of Record to serve as an expert witness or as a consultant in this action and who is not a current or anticipated: (i) officer, director, or employee of a Party or of a Party’s competitor, or (ii) consultant involved in product and/or process design or development for a Party or for a Party’s competitor.

**B. Scope**

10. Compliance with Applicable Rules Governing Confidentiality and Filing Under Seal. This Order does not confer blanket protections on all disclosures or responses to discovery, and the protection it affords from public disclosure and use extends only to the limited information or items that are entitled to confidential treatment under applicable legal principles. Nor does this Order entitle the parties to file

confidential information under seal; the Parties must follow the applicable rules, procedures, and standards when seeking permission to file material under seal.

**C. Access to Designated Material**

11. Access to OUTSIDE COUNSEL RESTRICTED – INTEL SOURCE CODE Material. Subject to other provisions of this Order (*see, e.g.* ¶¶ 19, 26, 27), only the following persons are permitted to have access to OUTSIDE COUNSEL RESTRICTED – INTEL SOURCE CODE Material:

- (a) Persons who appear on the face of Designated Material as an author, addressee or recipient thereof, or persons who have been designated to provide testimony on behalf of a Producing Party;
- (b) Counsel of Record;
- (c) Outside Consultants, subject to the procedures set forth in Section D;
- (d) the Court, its personnel, and
- (e) court reporters.

12. Acknowledgements to be Bound. Each person to whom Designated Material may be disclosed, and who is required to sign the “Agreement to Be Bound by Protective Order” and/or the “Certification of Consultant” must do so prior to reviewing Designated Material. Counsel of Record for the Receiving Party must retain each original executed document and, on written request, must provide copies to Counsel of Record for the Producing Party after the termination of this action. The identification of

an individual pursuant to this Order does not make that individual subject to deposition or any other form of discovery.

**D. Disclosure to Outside Consultants**

13. Notice. Before disclosing Producing Party's Designated Material to an Outside Consultant, a Receiving Party must first provide written notice by hand-delivery or email to Counsel of Record for the Designating Party. The notice must include: (a) the Outside Consultant's name, business title, business address, and business or profession; (b) a current CV; (c) the Outside Consultant's previous or current relationship (personal or professional) with any of the Parties, their predecessors, or their successors in interest; (d) a list of cases in which the Outside Consultant has testified (at trial or deposition) within the last seven years; (e) a list of all companies for which the Outside Consultant has consulted or that have employed the Outside Consultant within the last seven years; and (f) a signed copy of the "Acknowledgement and Agreement to Be Bound by Protective Order" attached as Exhibit A and the "Certification of Outside Consultant" attached as Exhibit B.

14. Objections. The Designating Party will have ten calendar days from receipt of the notice to object to the disclosure, which must identify the grounds for the objection. If the Designating Party does not object during that ten-day period, then the Receiving Party may disclose Designated Material to the Outside Consultant pursuant to the terms of this Order. However, if the Designating Party objects within that period,

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