

# EXHIBIT 1016

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

NETWORK-1 SECURITY SOLUTIONS, INC., a  
Delaware corporation,

*Plaintiff,*

vs.

Alcatel-Lucent USA Inc., a Delaware corporation;  
Alcatel-Lucent Holdings Inc., a Delaware  
corporation; Allied Telesis, Inc., a Delaware  
corporation; Avaya Inc., a Delaware corporation;  
Axis Communications AB, a Swedish corporation;  
Axis Communications, Inc., a Massachusetts  
corporation; Dell Inc., a Delaware corporation;  
GarrettCom, Inc., a California corporation; Hewlett-  
Packard Company, a Delaware corporation; Huawei  
Technologies Co., Ltd., a People's Republic of China  
corporation; Huawei Technologies USA Inc., a  
Texas corporation; Juniper Networks, Inc., a  
Delaware corporation; NEC Corporation, a Japanese  
corporation; NEC Corporation of America, a  
Delaware corporation; Polycom, Inc., a Delaware  
corporation; Samsung Electronics Co., Ltd., a South  
Korean corporation, Samsung Electronics America,  
Inc., a New York corporation; Samsung  
Telecommunications America, LLC, a Delaware  
limited liability company; ShoreTel, Inc., a Delaware  
corporation; Sony Corporation, a Japanese  
corporation, Sony Corporation of America, a New  
York corporation; Sony Electronics Inc., a Delaware  
corporation;

*Defendants.*

CASE NO. 6:11-cv-492

**JURY DEMANDED**

**STIPULATED PROTECTIVE ORDER**

This protective order (“Protective Order”) is issued to expedite the flow of discovery materials, to facilitate the prompt resolution of disputes over confidentiality of discovery materials, to adequately protect information the parties are entitled to keep confidential, to ensure that only materials the parties are entitled to keep confidential are subject to such treatment, and to ensure that the parties are permitted reasonable necessary uses of such materials in preparation for and in the conduct of trial, pursuant to Fed. R. Civ. P. 26(c) and any other applicable rule of this Court. Unless modified, superseded, or terminated pursuant to the terms contained in this Order, this Protective Order shall remain in effect through the conclusion of this litigation and thereafter as set forth below.

In support of this Protective Order, the Court finds that:

1. Documents or information containing confidential research, development, business and/or commercial information, and/or trade secrets within the meaning of Rule 26(c) (“Confidential Information”) is likely to be disclosed or produced during the course of discovery in this litigation;
2. The parties to this litigation (and third parties) may assert that public dissemination and disclosure of Confidential Information could severely injure or damage the party or third party disclosing or producing the Confidential Information and/or could place that party or third party at a competitive disadvantage;
3. Counsel for the party or parties receiving Confidential Information are presently without sufficient information to accept the representation(s) made by the party or parties producing Confidential Information as to the confidential, proprietary, and/or trade secret nature of such Confidential Information; and
4. To protect the respective interests of the parties and third parties, and to facilitate the progress of disclosure and discovery in this case, the following Protective Order should issue.

**IT IS THEREFORE ORDERED THAT:**

1. This Protective Order shall apply to all information, documents, and things subject to discovery in this Action produced either by a party or a non-party (“producing party” or “disclosing party”) in discovery in this Action (“Action” shall include without limitation this litigation and any subpoena proceedings incident hereto before any tribunal) including, without limitation, testimony adduced at deposition upon oral examination or upon written questions, answers to interrogatories, documents and things produced, information obtained from inspection of premises or things, and answers to requests for admission, or information disclosed pursuant to subpoena under Fed. R. Civ. P. 45 (“Discovery Material”).

2. Each producing party that produces or discloses any materials, answers to interrogatories, responses to requests for admission, trial testimony, deposition testimony, and transcripts of trial testimony and depositions, or information that the producing party believes should be subject to this Protective Order may designate the same as “CONFIDENTIAL,” “HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL ONLY,” or “HIGHLY CONFIDENTIAL – RESTRICTED SOURCE CODE” (referred to collectively as “Confidential Material”). The producing party may use the designation “HIGHLY CONFIDENTIAL – RESTRICTED SOURCE CODE” to designate computer source code or documents that describe algorithms used in computer source code. Confidential Materials designated as “HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL ONLY” or “HIGHLY CONFIDENTIAL – RESTRICTED SOURCE CODE” are hereinafter collectively referred to as “HIGHLY CONFIDENTIAL” material.

a. Designation as “CONFIDENTIAL”: The term “CONFIDENTIAL” information shall apply to a producing party’s confidential and nonpublic information, the disclosure of which the producing party contends could cause harm to the business operations of the producing party or provide improper advantage to others, and that is not otherwise marked or designated by the producing party as “HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL ONLY,” or as “HIGHLY CONFIDENTIAL – RESTRICTED SOURCE CODE.”

b. Designation as “HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL ONLY”: The term “HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL ONLY” shall apply only to a producing party’s highly confidential and proprietary business, commercial, competitive, financial, marketing, sales and technical information that the producing party reasonably and in good faith believes is so highly sensitive that its disclosure to an employee of a party other than the producing party would reveal significant business, commercial, competitive, financial, marketing, sales or technical advantages of the producing party. The term “HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL ONLY” information shall include, but is not limited to, (1) current business/strategic plans, (2) sales, cost, and price information including future sales/financial projections, (3) non-public marketing information including future marketing plans, (4) detailed sales and financial data that includes costs and profits information, (5) customer lists, (6) licensing, licensing policies, and licensing negotiations, (7) non-public source code, specifications, schematics, and other documents used in connection with generating such source code, and other non-public technical specifications, schematics and documents showing the producing party’s product functionality, features, and operation, and (8) other information of business, commercial, competitive, financial, marketing, sales and technical significance comparable to the items listed in this paragraph. For purposes of this Order, the term “source code” shall include human-readable and machine-readable program codes, as well as executable code and electronically created design files such as CAD files.

3. In determining the scope of information which a producing party may designate

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