

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RUBICON COMMUNICATIONS, LP

Petitioner,

v.

LEGO A/S

Patent Owner.

Case IPR2016-01187

Patent 8,894,066

PROPOSED PROTECTIVE ORDER

Rubicon Communications, LP Ex. 1035 Rubicon Communications, LP vs. LEGO A/S IPR2016-01187

Protective Order

This standing protective order governs the treatment and filing of confidential information, including documents and testimony.

1. Confidential information shall be clearly marked “PROTECTIVE ORDER MATERIAL” or “PROTECTIVE ORDER MATERIAL – ATTORNEYS’ EYES ONLY.”

A. “PROTECTIVE ORDER MATERIAL” means information, documents, or things that have not been made public by the disclosing party and that the disclosing party reasonably and in good faith believes contains or comprises (a) trade secrets, (b) proprietary business information, or (c) information implicating an individual’s legitimate expectation of privacy.

B. “PROTECTIVE ORDER MATERIAL – ATTORNEYS’ EYES ONLY” means PROTECTIVE ORDER MATERIAL that the disclosing party reasonably and in good faith believes is so highly sensitive that its disclosure to a competitor could result in significant competitive or commercial disadvantage to the designating party.

2. Access to confidential information is limited to the following individuals who have executed the acknowledgment appended to this order:

- A. Parties. Material designated “PROTECTIVE ORDER MATERIAL” (but not “PROTECTIVE ORDER – ATTORNEYS’ EYES ONLY”) may be disclosed to persons who are owners of a patent involved in the proceeding and other persons who are named parties to the proceeding.
- B. Party Representatives. Material designated “PROTECTIVE ORDER MATERIAL” or “PROTECTIVE ORDER – ATTORNEYS’ EYES ONLY” may be disclosed to representatives of record for a party in the proceeding.
- C. Experts. Material designated “PROTECTIVE ORDER MATERIAL” or “PROTECTIVE ORDER – ATTORNEYS’ EYES ONLY” may be disclosed to retained experts of a party in the proceeding who further certify in the Acknowledgement that they are not a competitor to any party, or a consultant for, or employed by, such a competitor with respect to the subject matter of the proceeding.

- D. In-house counsel. Material designated “PROTECTIVE ORDER MATERIAL” or “PROTECTIVE ORDER – ATTORNEYS’ EYES ONLY” may be disclosed to in-house counsel of a party.
- E. Other Employees of a Party. Material designated “PROTECTIVE ORDER MATERIAL” (but not “PROTECTIVE ORDER – ATTORNEYS’ EYES ONLY”) may be disclosed to employees, consultants or other persons performing work for a party, other than in-house counsel and in-house counsel’s support staff, who sign the Acknowledgement only upon agreement of the parties or by order of the Board upon a motion brought by the party seeking to disclose confidential information to that person. The party opposing disclosure to that person shall have the burden of proving that such person should be restricted from access to confidential information.
- F. The Office. Employees and representatives of the Office who have a need for access to the confidential information shall have such access without the requirement to sign an Acknowledgement. Such employees and representatives shall include the Director, members of the Board and their clerical staff, other support personnel, court reporters, and other persons acting on behalf of the Office.

G. Support Personnel. Administrative assistants, clerical staff, court reporters and other support personnel of the foregoing persons who are reasonably necessary to assist those persons in the proceeding shall not be required to sign an Acknowledgement, but shall be informed of the terms and requirements of the Protective Order by the person they are supporting who receives confidential information.

3. Persons receiving confidential information shall use reasonable efforts to maintain the confidentiality of the information, including:
 - A. Maintaining such information in a secure location to which persons not authorized to receive the information shall not have access;
 - B. Otherwise using reasonable efforts to maintain the confidentiality of the information, which efforts shall be no less rigorous than those the recipient uses to maintain the confidentiality of information not received from the disclosing party;
 - C. Ensuring that support personnel of the recipient who have access to the confidential information understand and abide by the obligation to maintain the confidentiality of information received that is designated as confidential; and

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.