

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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**APPLE INC.,**  
Petitioner,

v.

**PERSONALIZED MEDIA COMMUNICATIONS, LLC,**  
Patent Owner.

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**Case No.: IPR2016-01520: U.S. Patent No. 8,559,635**

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**JOIN STIPULATED MOTION FOR ENTRY OF PROTECTIVE ORDER**

Mail Stop: PATENT BOARD  
Patent Trial and Appeal Board  
U.S. Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

This stipulated protective order governs the treatment and filing of “HIGHLY CONFIDENTIAL – OUTSIDE ATTORNEYS’ EYES ONLY” (“Protected Material”) information in IPR2016-01520 (“this proceeding”), including documents and testimony. This Order is without prejudice to the right of any party to seek further or additional protection of any Protected Material or to seek to modify this Order in any way.

1. Designation of Protected Material. Protected Material shall be clearly marked “HIGHLY CONFIDENTIAL – OUTSIDE ATTORNEYS’ EYES ONLY.”

a. A party may designate as “HIGHLY CONFIDENTIAL – OUTSIDE ATTORNEYS’ EYES ONLY” such materials as the party reasonably and in good faith believes to contain particularly sensitive technical or strategic information relating to research for, design of, and supply of current products or services; technical, business, and research information regarding future products or services; non-public and highly sensitive financial information; marketing and sales information, such as marketing plans and forecasts, customer lists, pricing data, cost data, customer orders, and customer quotations; non-public regulatory filings and related regulatory materials; agreements with other third parties reflecting sensitive business strategy or commercial information; and such other documents, information, or materials that relate to other proprietary information that the designating

party reasonably believes is of such nature and character that disclosure of such information would be harmful to the designating party.

b. The following information shall not be designated or protected under this Protective Order:

i. Information that is properly in the public domain at the time of disclosure, including publicly available publications, catalogs and other advertising materials, press releases, and publicly-filed financial statements, unless such information was not placed in the public domain by the party asserting confidentiality, and is otherwise within the scope of Protected Material as defined herein;  
or

ii. Information that is independently developed by the receiving party, as reflected by written documentation demonstrated to be in existence prior to production by the party claiming confidentiality.

2. Persons Entitled to Access to Protected Material.

a. A party receiving “HIGHLY CONFIDENTIAL – OUTSIDE ATTORNEYS’ EYES ONLY” information shall strictly restrict access to that information to the following individuals who, except as provided otherwise below, first have signed and served on the opposing party an Acknowledgement as provided herein:

- i. Outside counsel. Outside counsel of a party of record in the proceeding. Outside counsel need not first sign or serve the Acknowledgement but must agree to be bound by its terms and those of this Protective Order before receiving access.
- ii. Experts. 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.
- iii. The Office. Employees and representatives of the Office who have a need for access to the “HIGHLY CONFIDENTIAL – OUTSIDE ATTORNEYS’ EYES ONLY” 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.
- iv. Support Personnel. Administrative assistants, clerical staff, court reporters, graphics vendors 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 “HIGHLY CONFIDENTIAL – OUTSIDE ATTORNEYS’ EYES ONLY” information.

3. Protection of Protected Material. Persons receiving Protected Material shall use reasonable efforts to maintain the confidentiality of the Protected Material, 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 Protected Material, which efforts shall be no less rigorous than those the recipient uses to maintain the confidentiality of its own confidential information;
- c. Ensuring that support personnel of the recipient who have access to the Protected Material understand and abide by the obligation to maintain the confidentiality of information received that is designated as Protected Material; and
- d. Limiting the copying of Protected Material to a reasonable number of copies needed for conduct of the proceeding and maintaining a record of the locations of such copies.

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