

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TARO PHARMACEUTICALS U.S.A., INC.,  
Petitioner,

v.

APOTEX TECHNOLOGIES, INC.,  
Patent Owner.

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Case No. IPR2017-01446

U.S. Patent No. 7,049,328 B2

Title: USE FOR DEFERIPRONE

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| **[REDLINE] MODIFIED DEFAULT STANDING 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.”

2. Confidential information shall include any material that contains or pertains to information that is not publicly available and is maintained as confidential in the normal course of business, including but not limited to: (a) the names, or other information tending to reveal the identities of a party’s suppliers, present or prospective customers, or distributors, or other personal information of a party’s employees; (b) information related to pending patent applications; (c) financial information of a party; (d) information constituting product specification, formulations, and/or regarding the manufacture of the party’s product(s) or the party’s proposed or potential product(s); (e) technical notebooks and technical reports of a party; (f) confidential marketing plans, market research and business strategy, including research regarding competitors; (g) information the producing party believes is a proprietary trade secret; (h) personal information and/or identities of physicians and patients; (i) all information relating to a party’s research and development efforts; (j) New Drug Applications (“NDAs”) and Abbreviated New Drug Applications (“ANDAs”) submitted to FDA, and corresponding material related thereto; (k) licensing agreements and documents

discussing the terms of licensing agreements; and (l) such additional categories as may become necessary and is agreed between the parties in this Proceeding in writing.

2.3. Any person receiving access to confidential information in this proceeding shall, prior to receipt of any such confidential information, first sign an Acknowledgment, appended to this order.

4. Each party to the proceeding shall maintain a signed Acknowledgment from each person acting on its behalf who obtains access to confidential information after signing an Acknowledgment, as set forth herein, and shall produce such Acknowledgments to the opposing party upon request.

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

~~(A) Parties. Persons who are owners of a patent involved in the proceeding and other persons who are named parties to the proceeding.~~

~~(B)(A)~~ Party Representatives. Representatives of record for a party in the proceeding.

~~(C)(B)~~ 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.

~~(D) *In-house counsel.* In-house counsel of a party.~~

~~(E) *Other Employees of a Party.* 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 shall be extended access to confidential information 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)(C) *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.

(D) *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.

(E) Independent stenographic reporters and videographers retained to record and transcribe testimony in connection with this proceeding and graphics or design services retained by outside counsel for purposes of preparing demonstratives or other exhibits for deposition or oral hearing in this 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.

(F) Persons who are “Designated Litigation In-House Counsel” pursuant to the protective order entered in *ApoPharma Inc. v. Taro Pharmaceutical Industries, Ltd.*, Case No. 2:16-cv-00528 (E.D.Tex.).

4.6. 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;

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