

Addendum C

Addendum A
Stipulated Protective Order

~~DEFAULT PROTECTIVE ORDER~~

~~The following Standing Protective Order will be automatically entered into the proceeding upon the filing of a petition for review or institution of a derivation:~~

Standing This Stipulated Protective Order

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

1. ~~Confidential~~Protected information shall be clearly marked “~~PROTECTIVE ORDER MATERIAL~~CONFIDENTIAL,” “CONFIDENTIAL – ATTORNEYS’ EYES ONLY,” or “PETITIONER’S RESTRICTED – ATTORNEYS’ EYES ONLY.”

2. Access to ~~confidential~~protected information marked “CONFIDENTIAL” is limited to the following individuals who have executed the acknowledgment appended to this ~~e~~OOrder:

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

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

(C) *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~~protected information only upon agreement of the parties or by order of the Board upon a motion brought by the party seeking to disclose ~~confidential~~protected 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~~protected information.

(F) *The Office.* Employees and representatives of the Office who have a need for access to the ~~confidential~~protected 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. Access to protected information marked “CONFIDENTIAL – ATTORNEYS’ EYES ONLY” is limited to the following individuals who have executed the acknowledgement appended to this Order: outside counsel of record for a party in this IPR proceeding, and the individuals identified above in 2(C), 2(D), 2(F), and 2(G); provided, however, that access by in-house counsel pursuant to paragraph 2(D) be limited to in-house counsel who exercise no competitive decision-making authority on behalf of the client. Such material may include the following types of information: (1) sensitive technical information, including current research, development and manufacturing information; (2) sensitive business information, including highly sensitive financial or marketing information; (3) competitive technical information, including technical analyses or comparisons of competitor’s products or services; (4) competitive business information, including non-public financial and marketing analyses, media scheduling, comparisons of competitor’s products or services, and strategic product/service expansion

plans; (5) personal health or medical information; (6) an individual's personal credit, banking or other financial information; or (7) any other commercially sensitive information the disclosure of which to non-qualified persons subject to this Order the producing party reasonably and in good faith believes would likely cause harm.

4. Access to protected information marked "PETITIONER'S RESTRICTED – ATTORNEYS' EYES ONLY" is limited to the following individuals who have executed the acknowledgement appended to this Order: outside counsel of record for the Patent Owner in this IPR proceeding, the petitioner in this IPR proceeding who produced the information marked "PETITIONER'S RESTRICTED – ATTORNEYS' EYES ONLY", and the individuals identified above in 2(C), 2(F), and 2(G); provided, however, that access by experts pursuant to paragraph 2(C) be limited to the experts of the Patent Owner in this IPR proceeding and the petitioner in this IPR proceeding who produced the information marked "PETITIONER'S RESTRICTED – ATTORNEYS' EYES ONLY." Such material may include the following types of information: (1) sensitive, competitive business information, including customer contracts; or (2) any other commercially sensitive information the disclosure of which to non-qualified persons subject to this Order, including other petitioners in this IPR proceeding, the producing party reasonably and in good faith believes would likely cause harm. Notwithstanding this provision, outside counsel and in-house counsel for any other petitioner in this IPR proceeding may attend any oral argument for this IPR even if "PETITIONER'S RESTRICTED – ATTORNEYS' EYES ONLY" information is discussed.

35. Persons receiving ~~confidential~~protected 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~~protected information understand and abide by the obligation to maintain the confidentiality of information received that is designated as confidential; and

(D) Limiting the copying of ~~confidential~~protected information to a reasonable number of copies needed for conduct of the proceeding and maintaining a record of the locations of such copies.

46. Persons receiving ~~confidential~~protected information shall use the following procedures to maintain the confidentiality of the information:

(A) *Documents and Information Filed With the Board.*

(i) A party may file documents or information with the Board under seal, together with a non-confidential description of the nature of the ~~confidential~~protected information that is under seal and the reasons why the information is confidential and should not be made available to the public. The submission shall be treated as confidential and remain under seal, unless, upon motion of a party and after a hearing on the issue, or *sua sponte*, the Board determines that the documents or information do not to qualify for confidential treatment.

(ii) Where confidentiality is alleged as to some but not all of the information

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