

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Unified Patents Inc.
Petitioner

v.

Bradium Technologies, LLC
Patent Owner

IPR2018-00952
Patent 9,253,239

PROTECTIVE ORDER

Unified Patents v. Bradium Technologies

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.” “Confidential information” includes information (regardless of how it is generated, stored or maintained) or tangible things that would qualify for protection from disclosure under Federal Rule of Civil Procedure 26(c) or under trade secret law.

2. Access to confidential information is limited to:

(A) *Party Representatives*. Representatives of record for a party in the proceeding. Bradium Technologies, LLC’s (“Bradium”) representatives include Bunsow De Mory LLP, its attorneys, paralegals, clerical and other regular employees.

(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 who appear as back-up counsel.

(E) *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.

(F) *Support Personnel*. Administrative assistants, clerical staff, court reporters, outside copying and exhibit preparation services 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

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

4. Any party may challenge a designation of confidentiality at any time. In the event of a challenge, the parties shall attempt to resolve such challenge in good faith and meet and confer directly in voice to voice dialogue in connection with doing so. The parties may then approach the Board if unable to resolve a dispute.

5. Nothing in this Protective Order is intended to affect the burden of proof on any party under 37 C.F.R. 42.20 or otherwise. Nothing in this Protective Order is intended to prevent Bradium from identifying in public filings, based on non-confidential information, the identities of any persons or parties whom it contends are real parties in interest or in privity with Petitioner, or to prevent the Board from identifying the names of any parties it finds are real parties in interest or in privity with Petitioner.

6. Unless otherwise provided herein, redacted copies of documents may be produced where the redacted portions contain privileged matter. Any redactions must be conspicuous. Any party can request additional information to assess privilege on a reasonable number of the redactions or documents withheld from production. Any party may challenge the propriety of redactions or the withholding of documents. In the event of a challenge to a redaction or the withholding of a document on the basis of privilege, the parties shall attempt to resolve such challenge in good faith and meet and confer directly in voice to voice dialogue in connection with doing so. The parties may then approach the Board if unable to resolve a dispute.

7. Confidential information shall be used only for this proceeding and not for any other purpose, except that confidential information may be used in subsequent IPR proceedings, subject to an equivalent protective order, that involve the same patent, in which there is a dispute regarding real party in interest or privity, or where it is contended that estoppel or a time bar applies as a result of IPR2018-00952.

8. Persons receiving confidential information shall use the following procedures to maintain the confidentiality of the information:

(A) Documents and Information Filed With the Board.



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