

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

~~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 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 ~~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) *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.~~

~~(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 who appear as back-up counsel.

~~(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.~~

(FE) *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~~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.

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