

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JUNIPER NETWORKS, INC. & PALO ALTO NETWORKS, INC.,
Petitioner,

v.

PACKET INTELLIGENCE LLC,
Patent Owner.

Case IPR2020-00337
U.S. Patent No. 6,771,646

**PETITIONER'S UNOPPOSED MOTION FOR ENTRY OF A MODIFIED
PROTECTIVE ORDER**

Petitioner Juniper Networks, Inc. and Packet Intelligence LLC submit this unopposed motion for entry of a modified protective order. The parties have met and conferred, and Patent Owner Packet Intelligence LLC does not oppose this motion. Pursuant to the Board’s instructions in its July 13, 2020 Order, Juniper submits this unopposed motion with its motion to disqualify Dr. Almeroth.

Petitioner requests that the Board enter the modified protective order (attached herewith in clean form as Attachment B). Also attached as Attachment A is a “redline” version showing differences between Attachment B and the default protective order. The modified protective order is the same as the default protective order, but includes an added designation of “PROTECTIVE ORDER MATERIAL — ATTORNEY’S EYES ONLY” for documents, materials, testimony, or information that the designating party believes, in good faith, constitutes or contains:

- Expert witness draft reports or disclosures or communications between a party’s attorney and expert witness subject to Fed. R. Civ. P. 26(b)(4)(B)-(C), or
- Trade secrets or other non-public, highly sensitive confidential research, development, technical, business, and/or financial information that has not become public.

The modified protective order also specifies which individuals may have access to such ATTORNEY’S EYES ONLY information. By including a confidentiality

designation regarding draft expert reports and communications between a party's counsel and experts, Petitioner does not suggest any such categories of materials are discoverable in connection with any petition, IPR that may be instituted, or pending litigation.

These additions to the default protective order are designed to limit access to certain materials to only outside counsel, expert declarants, and the Board. The Board has previously entered similar protective orders, which limit viewing certain confidential information to outside counsel.¹

Petitioner submits that the additional limitations in the modified protective order are necessary. In particular, Juniper's motion to disqualify Dr. Almeroth includes exhibits that contain highly confidential, competitively-sensitive information relating to products developed by Juniper. And those exhibits contain communications and draft expert declarations exchanged between Juniper's litigation counsel and Dr. Almeroth when Juniper retained Dr. Almeroth as an expert witness in connection with prior litigation and IPR proceedings against Petitioner Palo Alto Networks.

Due to the sensitive nature of the exhibits to Juniper's disqualification motion and the minimal additions to the Board's default protective order,

¹ *Laird Techs., Inc. v. GrafTech Int'l Hldgs., Inc.*, IPR2014-00023, Paper 30 at 2 (P.T.A.B. Aug. 8, 2014).

Petitioner respectfully requests that the Board grant this motion and enter the unopposed, modified protective order.

Date: July 21, 2020

Respectfully Submitted,

/Joseph F. Edell/

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ATTACHMENT A

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