

~~DEFAULT~~ PROTECTIVE ORDER

The following ~~Default~~ Protective Order will govern the filing and treatment of confidential information in the proceeding:

~~Default~~ Protective Order

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

1. Confidential information shall be clearly marked “CONFIDENTIAL-PROTECTIVE ORDER MATERIAL,” or “SAMSUNG-NEONODE CONFIDENTIAL- APPLE ATTORNEYS’ EYES ONLY.”

2. ~~Access to confidential information~~ Samsung and Neonode Parties may designate as “SAMSUNG-NEONODE-CONFIDENTIAL – APPLE ATTORNEYS’ EYES ONLY” for protection under this Order, in whole or in part, any document, information, or material that constitutes or includes, in whole or in part, confidential or proprietary information or trade secrets of the Party and shared between the Samsung and Neonode Parties or their predecessors in interest. Access to confidential information marked “SAMSUNG-NEONODE-CONFIDENTIAL – APPLE ATTORNEYS’ EYES ONLY” is limited to the

following individuals who have executed the acknowledgment appended to this order:

(A) Samsung and Neonode Parties and Representatives. Officers, employees, directors, agents and representatives of, including counsel of record for, Neonode Smartphone LLC, Neonode Inc., Samsung Electronics Co. Ltd., and Samsung Electronics America, Inc.

(B) Persons with Knowledge. Persons who, (i) participated or were involved in the negotiations and process resulting in the preparation or drafting of any materials marked SAMSUNG-NEONODE-CONFIDENTIAL – APPLE ATTORNEYS’ EYES ONLY, or (ii) in connection with their work or duties for Neonode Smartphone LLC, Neonode Inc., Samsung Electronics Co. Ltd., and Samsung Electronics America, Inc., or any of their predecessors in interest, had access to materials marked SAMSUNG-NEONODE-CONFIDENTIAL – APPLE ATTORNEYS’ EYES ONLY.

(C) Apple Outside Counsel. Outside counsel of record for the Apple Inc. party in the proceeding, including employees, of counsel, and contractors of outside counsel of record’s law firm(s) to whom it is reasonably necessary to disclose this information to assist outside counsel of record in connection with this proceeding, including members of their firms, associate attorneys, attorneys who are not employees of counsel of record who are retained to

assist counsel of record on an hourly basis, and paralegal, clerical, and other regular employees of such counsel. All in-house counsel and other representatives of the parties (other than outside counsel of record as defined above) shall not be allowed to view SAMSUNG-NEONODE-

CONFIDENTIAL – APPLE ATTORNEYS’ EYES ONLY Information.

(D) 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.

(E) 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.

(F) The Office. Employees and representatives of the United States Patent and Trademark 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.

2.3. Access to confidential information marked “CONFIDENTIAL-PROTECTIVE ORDER MATERIAL” 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.

(C) Persons with Knowledge. Persons who, (i) participated or were involved in the negotiations and process resulting in the preparation or drafting of the materials marked CONFIDENTIAL-PROTECTIVE ORDER MATERIAL, or (ii) in connection with their work or duties for a party, or any of their predecessors in interest, had access to the materials marked CONFIDENTIAL-PROTECTIVE ORDER MATERIAL.

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

~~(E)~~(F) 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.

(F) The Office. Employees and representatives of the United States Patent and Trademark 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.

4. Employees (e.g., corporate officers), consultants, or other persons performing work for a party, other than those persons identified above in (d)(2)(A)–(E), 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 and after signing the Acknowledgment. The party opposing disclosure to that person shall have the burden of proving that such person should be restricted from access to confidential information.

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