

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THE DATA COMPANY TECHNOLOGIES INC.,

Petitioner

v.

BRIGHT DATA LTD.,

Patent Owner

Case IPR2022-00135

Patent No. 10,257,319

JOINT PROTECTIVE ORDER

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

~~DEFAULT PROTECTIVE ORDER~~

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

~~Default~~**Joint Protective Order**

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

1. Confidential ~~information~~materials shall be clearly marked

~~“PROTECTIVE ORDER MATERIAL CONFIDENTIAL.”~~

2. Access to ~~confidential information~~materials designated as

“CONFIDENTIAL” is limited to the following individuals who have executed the ~~acknowledgment~~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~~Outside counsel 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) 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 Joint 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.

3. 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 materials designated as “CONFIDENTIAL” only upon agreement of the parties or by order of the Board upon a motion brought by the party seeking to disclose the 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.

4. ~~Persons receiving confidential information~~Confidential material that is so sensitive that its dissemination requires even further limitation, including but not limited to, for example, unpublished technical information, trade secret information, financial information, or computer source code, shall be clearly marked as “HIGHLY CONFIDENTIAL – OUTSIDE ATTORNEYS’ EYES ONLY.” Any computer source code designated as “HIGHLY CONFIDENTIAL – OUTSIDE ATTORNEYS’ EYES ONLY” shall additionally be marked as “SOURCE CODE” and subject to the additional restrictions regarding printing, transport, and transmission in paragraph (6) below.

5. Access to materials designated as “HIGHLY CONFIDENTIAL – OUTSIDE ATTORNEYS’ EYES ONLY” is limited to the following individuals who have executed the Acknowledgement appended to this order:

(A) Party Representatives. Outside counsel of record for a party in the proceeding.

(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.

(C) Support Personnel. Administrative assistants, clerical staff, court reporters and other support personnel of the foregoing persons (including outside graphics vendors) 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 Joint Protective Order by the person they are supporting who receives confidential information.

(D) 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.

6. Regarding computer source code marked as “SOURCE CODE”

(individually or collectively, “Source Code Material”): a receiving Party may include excerpts of Source Code Material in a paper, exhibit, expert declaration, discovery document, deposition transcript, or other document filed with the Board

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