

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ALTAIRE PHARMACEUTICALS, INC.,  
Petitioner,

v.

PARAGON BIOTECK, INC.,  
Patent Owner

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Case PGR2015-00011  
Patent No. 8,859,623

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**PROTECTIVE ORDER**

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.”
- 2) Access to confidential information marked “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*. Representative 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) *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 the 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.

(F) *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) *Support Personnel.* Administrative assistants, clerical staff, court reporters, and other support personnel of the forgoing persons who are reasonably necessary to assist to assist those persons who are 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 received confidential information.

- 3) The Parties shall have the right to further designate confidential information or portions of confidential information as “PROTECTIVE ORDER MATERIAL – ATTORNEY’S EYES ONLY.” The “PROTECTIVE ORDER MATERIAL – ATTORNEY’S EYES ONLY”

shall be limited to such documents, materials, testimony, or information that the designating party believes, in good faith, contains information, the disclosure of which is likely to cause significant harm to the competitive position of the designating party or would violate confidentiality agreements with third parties. Access to confidential information marked “PROTECTIVE ORDER MATERIAL – ATTORNEY’S EYES ONLY” is limited to the following individuals who have executed the acknowledgment appended to this order:

(A) *Outside Counsel.* (i) outside counsel who appear on the pleadings as counsel for a party, and (ii) partners, associates, employees, and staff of such counsel to whom it is reasonably necessary to disclose the information for this proceedings, including supporting personnel employed by the attorneys, such as paralegals, legal translators, legal secretaries, and legal clerks, or (iii) independent attorneys contracted to assist outside counsel in connection with this 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) *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.

(D) *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.

- 4) 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

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