

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SIPCO, LLC and IP CO, LLC
(d/b/a INTUS IQ),

Plaintiffs,

v.

EMERSON ELECTRIC CO., EMERSON
PROCESS MANAGEMENT LLLP,
FISHER-ROSEMOUNT SYSTEMS, INC.,
ROSEMOUNT INC., BP, p.l.c., BP
AMERICA PRODUCTION COMPANY,

Defendants.

Civil Action No. 6:15-cv-907

FIRST STIPULATED ADDENDUM TO PROTECTIVE ORDER

WHEREAS Defendants Emerson Electric Co., Emerson Process Management LLLP, Fisher-Rosemount Systems, Inc., and Rosemount Inc. (“Defendants”) have produced to Plaintiffs information designated by Plaintiffs as “Attorneys Eyes Only” information under the Protective Order (Doc. No. 68);

WHEREAS Plaintiffs have identified to Defendants certain individuals as party representatives under Section 7(f) of the Protective Order to whom Defendants wish to provide access to Plaintiffs’ “Attorneys Eyes Only” information;

WHEREAS Third Party Linear Technology Corp. (“Linear”) has or may also produce information to Defendants designated as “Attorneys Eyes Only”;

WHEREAS Plaintiffs have not identified to Linear any party representatives under Section 7(f) of the Protective Order to whom Plaintiffs wish to provide access to Linear’s “Attorneys Eyes Only” information;

WHEREAS, under agreements calling for confidentiality and non-disclosure, Defendants are in possession of potentially producible material revealing information received from Linear, including highly sensitive product design, development, and other technical information;

WHEREAS to the extent produced, that material revealing information received from Linear will be designated as “Attorneys Eyes Only” information;

WHEREAS Linear objects to any access to Linear’s Attorneys Eyes Only information by Plaintiffs’ representatives identified under Section 7(f) of the Protective Order until and unless Plaintiffs seek and receive consent of Linear or leave of Court;

WHEREAS Plaintiffs have licensees who have objected to the production of certain license-related documents to Defendants because such documents may be shared with Defendants’ representatives under Section 7(f) of the Protective Order;

THEREFORE, pursuant to Section 16 of the Protective Order (Doc. No. 68), Plaintiffs SIPCO, LLC and IP CO, LLC and Defendants Emerson Electric Co., Emerson Process Management LLLP, Fisher-Rosemount Systems, Inc., and Rosemount Inc. stipulate by agreement with Third Party Linear Technology Corp. to the following additional provisions to the Protective Order:

“Attorneys Eyes Only” Information that Linear (or third-party licensees) reasonably believes should not be accessed by party representatives may be additionally designated as OUTSIDE COUNSEL’S EYES ONLY, and shall not be disclosed to any individual(s) identified under Section 7(f) of the Protective Order without consent of Linear (or the third-party licensees) or leave of Court, which in any event shall require a showing by Plaintiffs (or in the case of the third-party licensees, Defendants) that the specific information sought to be so disclosed is specifically relevant to a claim or defense, that there is substantial need for such disclosure to

such individual(s) that cannot be otherwise met without undue hardship on Plaintiffs (or in the case of the third-party licensees, Defendants), and that the need for such disclosure is proportional to the needs of the case taking into account the factors specified in the Federal Rules.

Documents, things, and source code produced subject to the Protective Order and any Addendums in the case *Emerson Elec. Co. et al. v. SIPCO, LLC et al.*, Civil No. 1:15-cv-319 (N.D. Ga.) will be considered produced in this Action, provided that information additionally designated as OUTSIDE COUNSEL'S EYES ONLY shall in this case also be subject to and give rise to the same restrictions set forth in *Emerson Elec. Co. et al. v. SIPCO, LLC et al.*, Civil No. 1:15-cv-319 (N.D. Ga.) in the Protective Order and any modifications thereto, including any Addendums.

/s/ Paul J. Cronin

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