

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

STRATOSAUDIO INC.,

Plaintiff,

v.

HYUNDAI MOTOR AMERICA,

Defendant.

Case No. 6:20-cv-01125-ADA

STRATOSAUDIO INC.,

Plaintiff,

v.

MAZDA MOTOR OF AMERICA, INC.,

Defendant.

Case No. 6:20-cv-1126-ADA

STRATOSAUDIO INC.,

Plaintiff,

v.

SUBARU OF AMERICA, INC.,

Defendant.

Case No. 6:20-cv-1128-ADA

STRATOSAUDIO INC.,

Plaintiff,

v.

VOLVO CARS USA, LLC,

Defendant.

Case No. 6:20-cv-1129-ADA

STRATOSAUDIO INC.,

Plaintiff,

v.

VOLKSWAGEN GROUP OF
AMERICA, INC.,

Defendant.

Case No. 6:20-cv-01131-ADA

AGREED PROTECTIVE ORDER
REGARDING THE DISCLOSURE AND USE OF DISCOVERY MATERIAL

WHEREAS, Plaintiff StratosAudio Inc. and Defendants Hyundai Motor America, Mazda Motor of America, Inc., Subaru of America, Inc., Volvo Cars USA, LLC, and Volkswagen Group of America, Inc. (collectively “Defendants”) hereafter referred to as “the Parties,” believe that certain information that is or will be encompassed by discovery demands by the Parties involves the production or disclosure of trade secrets, confidential business information, or other proprietary information;

WHEREAS, the Parties seek a protective order limiting disclosure thereof in accordance with Federal Rule of Civil Procedure 26(c):

THEREFORE, it is hereby stipulated among the Parties and ORDERED that:

1. Definitions governing this protective order are as follows:
 - (a) “Discovery Material” means all items or information, including from any non-party, regardless of the medium or manner generated, stored, or maintained (including among other things, testimony, transcripts, or tangible things) that are produced, disclosed or generated in connection with discovery or Rule 26(a) disclosures in this case.
 - (b) “Outside Counsel” means (i) outside counsel who appear on the pleadings as counsel for a Party and (ii) partners, associates, and staff of such counsel to whom it is reasonably necessary to disclose the information for this litigation.
 - (c) “Patents-in-suit” means U.S. Patent Nos. 8,166,081; 8,688,028; 8,903,307; 9,294,806; 9,335,405; 9,584,843 and any other patent asserted in this action, as well as any related patents, patent applications, provisional patent applications, continuations, and/or divisionals.

- (d) “Party” means any party to this case, including all of its officers, directors, employees, consultants, retained experts, and Outside Counsel and their support staffs.
- (e) “Producing Party” means any Party or entity that discloses or produces any Discovery Material in this case. “Designating Party” means the entity making a designation for any Discovery Material, whether the Producing Party or not.
- (f) “Protected Material” means any Discovery Material that is designated as “CONFIDENTIAL,” “CONFIDENTIAL – ATTORNEYS’ EYES ONLY,” “CONFIDENTIAL – OUTSIDE ATTORNEYS’ EYES ONLY,” or “CONFIDENTIAL – SOURCE CODE,” as provided for in this Order.
- (g) HIGHLY SENSITIVE MATERIAL means Protected Material that is designated CONFIDENTIAL – ATTORNEYS’ EYES ONLY, CONFIDENTIAL – OUTSIDE ATTORNEYS’ EYES ONLY, and/or CONFIDENTIAL – SOURCE CODE.
- (h) “Receiving Party” means any Party who receives Discovery Material from a Producing Party.
- (i) “Source Code Material” means computer code, scripts, assembly, binaries, object code, source code listings and descriptions of source code, object code listings and descriptions of object code, Hardware Description Language (HDL) or Register Transfer Level (RTL) files that describe the hardware design of any ASIC or other chip (including VHDL, Verilog, and any other HDL formats), physical layout files such as Computer Aided Design (CAD) files that describe the hardware design of any component, native electronic graphic database systems (GDS) layout files, any

other files or formats that can be used to fabricate integrated circuit chips, and component-level schematics for circuit blocks.

2. Each Designating Party may designate as Protected Material under this Order any document, information, or material that constitutes or includes, in whole or in part, confidential, proprietary, or commercially sensitive information or trade secrets of the Party, or of a Third Party to whom the Party reasonably believes it owes an obligation of confidentiality with respect to such document, information, or material. Protected Material shall be designated by the Party Designating it as described below.
3. Written discovery, documents (which includes “electronically stored information” as that phrase is used in Federal Rule of Procedure 34), and tangible things that meet the requirements for any of the confidentiality designations listed in Paragraphs 1(f) or 5 may be designated by placing the appropriate designation clearly on each page of the Protected Material for which such protection is sought prior to production. For digital files being produced, the Producing Party may mark each viewable page or image with the appropriate designation, and mark the medium, container, and/or communication in which the digital files were contained. In the event that original documents are produced for inspection, the original documents shall be presumed “CONFIDENTIAL – ATTORNEYS’ EYES ONLY” during the inspection and redesignated as appropriate during the copying process.

- (a) Where electronic files and documents are produced in native electronic format, such electronic files and documents shall be designated for production under this Order by appending to the file names or designators information indicating the appropriate designation, or shall use any other reasonable method for so designating Protected Materials produced in electronic format. When electronic files or

documents are printed for use at deposition, in a court proceeding, or for provision in printed form to an expert or consultant pre-approved pursuant to this Order, the party printing the electronic files or documents shall affix a legend to the printed document corresponding to the designation of the Designating Party and including the production number and designation associated with the native file.

(b) For deposition and hearing transcripts, a designation of Protected Material shall be placed on the cover page of the transcript (if not already present on the cover page of the transcript when received from the court reporter) by each attorney receiving a copy of the transcript after that attorney receives notice of the designation of some or all of that transcript as Protected Material.

4. Any document produced before issuance of this Order, including pursuant to the Court's Order Governing Proceedings – Patent Case, with the designation “confidential” or with some other confidential designation (such as “Confidential – Outside Attorneys Eyes Only”) shall receive the same treatment as if designated “CONFIDENTIAL – OUTSIDE ATTORNEYS’ EYES ONLY” under this Order, unless and until such document is re-designated to have a different classification under this Order.
5. With respect to documents, information, or material designated “CONFIDENTIAL,” “CONFIDENTIAL – ATTORNEYS’ EYES ONLY,” “CONFIDENTIAL – OUTSIDE ATTORNEYS’ EYES ONLY,” or “CONFIDENTIAL – SOURCE CODE” (“DESIGNATED MATERIAL”),¹ subject to the provisions herein and unless otherwise

¹ The term DESIGNATED MATERIAL is used throughout this Protective Order to refer to the class of materials designated as “CONFIDENTIAL,” “CONFIDENTIAL – ATTORNEYS’ EYES ONLY,” “CONFIDENTIAL – OUTSIDE ATTORNEYS’ EYES ONLY,” or “CONFIDENTIAL – SOURCE CODE,” individually and collectively.

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