

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KONINKLIJKE PHILIPS N.V., and
PHILIPS NORTH AMERICA LLC

Plaintiffs,

v.

DELL TECHNOLOGIES INC., and
DELL INC.,

Defendants.

C.A. No.: 20-cv-1240-CFC

JURY TRIAL DEMANDED

KONINKLIJKE PHILIPS N.V., and
PHILIPS NORTH AMERICA LLC

Plaintiffs,

v.

HP INC.,

Defendants.

C.A. No.: 20-cv-1241-CFC

JURY TRIAL DEMANDED

KONINKLIJKE PHILIPS N.V., and
PHILIPS NORTH AMERICA LLC

Plaintiffs,

v.

LENOVO GROUP LTD., and
LENOVO (UNITED STATES) INC.,

Defendants.

C.A. No.: 20-cv-1242-CFC

JURY TRIAL DEMANDED

KONINKLIJKE PHILIPS N.V., and
PHILIPS NORTH AMERICA LLC

Plaintiffs,

v.

INTEL CORPORATION,

Defendants.

C.A. No.: 20-cv-1243-CFC

JURY TRIAL DEMANDED

KONINKLIJKE PHILIPS N.V., and
PHILIPS NORTH AMERICA LLC

Plaintiffs,

v.

MEDIATEK INC., and MEDIATEK
USA INC.,

Defendants.

C.A. No.: 20-cv-1246-CFC

JURY TRIAL DEMANDED

KONINKLIJKE PHILIPS N.V., and
PHILIPS NORTH AMERICA LLC

Plaintiffs,

v.

REALTEK SEMICONDUCTOR
CORP.,

Defendants.

C.A. No.: 20-cv-1247-CFC

JURY TRIAL DEMANDED

STIPULATED ORDER REGARDING THE TRANSFER OF AND ACCESS TO THE RELATED ITC RECORD AND DISCOVERY MATERIALS

Koninklijke Philips N.V. and Philips North America LLC (collectively “Plaintiff”), along with each of the Defendants in the above-captioned cases, Dell Technologies Inc., Dell Inc., HP Inc., Lenovo Group Ltd., Lenovo (United States), Inc., Intel Corporation, MediaTek Inc., MediaTek USA Inc., and Realtek Semiconductor Corp. (collectively “Defendants”) (all together the “Parties”), anticipate that documents, testimony, or information containing or reflecting confidential, proprietary, trade secret, and/or commercially sensitive information of record or otherwise produced or served in the related United States International Trade Commission proceeding titled *In re Certain Digital Video-Capable Devices and Components Thereof*, Inv. No. 337-TA-1224, may be relevant in one or more of the above-captioned actions. The Parties request an Order governing the transfer of and access to certain materials from the record of those proceedings to streamline discovery in the above-captioned actions.

Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, the Court finds good cause for the following Stipulated Order Regarding the Transfer of and Access to the Related ITC Record and Discovery Materials (“Order”):

1. Transfer Order. Pursuant to 28 U.S.C. § 1659(b), the Court Orders the International Trade Commission to transfer the record materials from *In re Certain Digital Video-Capable Devices and Components Thereof*, Inv. No. 337-TA-1224 (the “ITC Action”), to this Court in each of the above-captioned actions (the “ITC Record”). The Court shall at its discretion either secure the ITC Record materials or transmit the ITC Record materials to Plaintiffs to be secured pending the outcome of the Parties’ review and agreement regarding the transfer of the ITC Record materials into each of the actions as set forth below. The ITC Record materials transferred to this Court pursuant to the Order will receive the confidentiality protections for confidential business

information and Source Code set forth in the concurrently-filed Stipulated Protective Order.

2. Notice to Third Parties. Within fourteen (14) days of the date of this Order, Plaintiffs will (i) notify each non-party to the ITC Action that produced confidential business information in the ITC Action that the record materials of such ITC Action will be transferred to this Court, and (ii) provide each such non-party a copy of this Order, in order to provide each such non-party an opportunity to move the Court for any additional protections that such non-party may deem necessary. For avoidance of doubt, such non-parties are: Digital Content Protection LLP, Roku, Samsung Austin Semiconductor LLC, Samsung Electronics America, Sony Electronics, Inc., Kinetic, Jim Williams, and Lattice Semiconductor.

3. Review of ITC Record Materials. The Parties agree that, following the ITC's transfer of the ITC Record, each Defendant shall have an opportunity to designate on an action-by-action basis the documents or portions of documents containing the Defendant's confidential business information or Source Code that should be stricken from any above-captioned action in which the Defendant is not a party. The Defendant shall identify in writing the documents proposed to be stricken from which action(s) by no later than December 31, 2022, or sixty (60) days after the International Trade Commission's transfer of the ITC Record to this Court, whichever is later. The Parties will promptly meet and confer by no later than twenty-one (21) days thereafter. In the event of a dispute that cannot be resolved through conferral, the Parties shall jointly raise the Defendant's objections with the Court by no later than seven (7) business days following the Parties' meet and confer. No materials for which a written request to strike has been received may be filed or otherwise served in the action(s) for which the request was received until the request has been fully resolved by the Parties or the Court. For clarity, Plaintiffs may use all ITC Record materials for preparation of their infringement contentions, but no Party shall file any confidential business information or Source Code in any of the above-captioned actions to which the supplier is not a party

until this review and opportunity to object procedure has been completed. The Parties to each action will cooperate to prepare and provide updated copies of each final revised ITC Record that will be transferred to each action to the Court and to the Parties to that action within seven (7) business days following resolution of any disputes.

4. No Admissibility Admissions. Nothing precludes any party or third-party in the above-captioned actions from objecting to the admissibility of information from the ITC Action in any of the above-captioned actions on relevance or any other grounds.

5. Physical Exhibits. The Parties further agree that any physical trial exhibits in the ITC Action produced by Intel as “OUTSIDE COUNSEL RESTRICTED – HIGHLY CONFIDENTIAL SOURCE CODE” shall be deemed produced by Intel into the discovery record in the captioned actions of Intel, Dell, HP and Lenovo (i.e., C.A. Nos. 20-cv-1243-CFC, 20-cv-1240-CFC, 20-cv-1241-CFC, 20-cv-1242-CFC). Any physical trial exhibits in the ITC Action produced by MediaTek as “OUTSIDE COUNSEL RESTRICTED – HIGHLY CONFIDENTIAL SOURCE CODE” shall be deemed produced by MediaTek into the discovery record in the captioned actions of MediaTek, Dell, HP and Lenovo (i.e., C.A. Nos. 20-cv-1246-CFC, 20-cv-1240-CFC, 20-cv-1241-CFC, 20-cv-1242-CFC). Any physical exhibits in the ITC Action produced by Realtek as “OUTSIDE COUNSEL RESTRICTED – HIGHLY CONFIDENTIAL SOURCE CODE” shall be deemed produced by Realtek into the discovery record for C.A. No. 20-cv-1247-CFC.

6. ITC Discovery Record Materials. The discovery record from the ITC Action, including all document productions, written discovery, written contentions (e.g., infringement contentions and invalidity contentions), expert reports, and deposition transcripts and exhibits shall be transferred as follows:

(a) Materials produced by or otherwise containing information produced by Plaintiffs in the ITC Action shall be deemed transferred to the discovery record for each above-

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