

Exhibit B

Counter Proposal Three:

[PROPOSED] ADDENDUM TO PROTECTIVE ORDER

IT IS HEREBY ORDERED THAT Order No. 1, the Protective Order for this investigation, is supplemented with the following provisions:

24. Documents designated "[supplier's name] CONFIDENTIAL BUSINESS INFORMATION-SOURCE CODE, SUBJECT TO PROTECTIVE ORDER"

shall be provided with the following further protections:

A. Source Code includes human-readable programming language text that defines software, firmware, or electronic hardware descriptions (hereinafter referred to as "source code"). Text files containing source code shall hereinafter be referred to as "source code files." Source code files include, but are not limited to files containing source code written in "C", "C++", assembler, VHDL, Verilog, and digital signal processor (DSP) programming languages. Source code files further include ".include files," "make" files, link files, and other human-readable text files used in the generation and/or building of software directly executed on a microprocessor, micro-controller, or DSP. Source code does not include binary executable files and object code files, nor does it include tools such as compilers or linkers.¹

¹ The parties agree that binary executable files and object code files do not need to be produced. To the extent binary executable files and object code files are required to be produced, they shall be afforded the same protection as other "Source Code" defined in this section.

B. Treatment of Source Code. To the extent that any party wishes to obtain access to source code, the following procedures shall apply:

i. The supplier shall make all relevant and properly requested source code available for inspection on a stand-alone, non-networked personal computer running a reasonably current version of the Microsoft Windows operating system ("Source Code Computer"). Alternatively, solely at the supplier's option, the supplier may make such code available on a computer that is networked, as deemed secure by the supplier such that the party wishing to obtain access to the source code cannot provide network access to the computer beyond the specific access enabled or desired by the supplier. The Source Code Computer shall be locked down so that additional peripheral devices cannot be connected to the Source Code Computer by the Receiving Party. Should it be necessary, the Source Code Computer may be configured by the supplier to run other mutually agreed upon operating systems, such as Linux. Upon request by the receiving party, the producing party shall install, at the receiving party's expense, one or more of the following types of software to aid in reviewing source code: UE Studio, Cygwin, MS Visual Studio Suite, Understand, Eclipse, Visual Slick Edit, PowerGrep, and Source-Navigator.

ii. The supplier shall make the source code available electronically and in the form as kept in the ordinary course of business in a secure room at the offices of outside counsel for the supplier (or affiliated counsel's offices) in

Deleted: either:

Deleted: (1) the offices of outside counsel for the supplier located in Washington, D.C. to be selected by the supplier or (2)

Deleted: or the supplier's facilities

the greater Boston, MA area to be selected by the supplier. The supplier need not produce in executable format absent further agreement of the parties or order of the Chief Administrative Law Judge.

Deleted: The Receiving Party shall select one of the two locations no later than five (5) days after the amendment to the Protective Order is granted, and the source code will be produced at only one of the two locations for the entirety of this action.

iii. In order to verify that its source code has not later been altered, the supplier may benchmark the materials before they are provided, but shall not install any keystroke or other monitoring software on the Source Code Computer.

iv. The Source Code Computer shall be made available from 8 am to 6 pm local time, Monday through Friday (excluding holidays), and other days and/or times, including weekends, upon reasonable request until the close of discovery in this action. Access on weekends shall be permitted on one business day's written notice. Access on or after hours (6:00 pm to 12:00 midnight) shall be permitted on four (4) hours written notice on the same business day. The Source Code Computer will not be permitted to run searches or other operational parameters regarding the Source Code outside of the hours during which it is made available pursuant to this section.

Deleted: To the extent that the receiving party desires reasonable Access on weekends or after hours, supplier will consider such requests in good faith, and such requested access will not be unreasonably withheld.

v. The source code is to be treated as "[supplier's name] CONFIDENTIAL BUSINESS INFORMATION-SOURCE CODE, SUBJECT TO PROTECTIVE ORDER," and the receiving party may not disclose the

source code or the content of the source code to anyone who has not undertaken to abide by the Protective Order. No employee of the receiving party may access or obtain the source code. In no case shall any information designated as "[supplier's name] CONFIDENTIAL BUSINESS INFORMATION-SOURCE CODE, SUBJECT TO PROTECTIVE ORDER" by a Respondent be provided to any other Respondent or Respondent's counsel by any party or counsel absent explicit agreement from the party designating the information.

Deleted: N

- vi. No more than five (5) individuals who qualify under the paragraph 3 of this Protective Order, for the receiving party, may have access to the Source Code Computer. For each day that counsel for the receiving party requests a review of the Source Code Computer, it must give at least one business day (and at least 24 hours) notice to the counsel for the supplier that it will be sending individual(s) authorized to review the source code made available on the Source Code Computer. The receiving party shall identify all individuals who will be given access to the source code at least ten (10) business days prior to any inspection, as required by paragraph 15, during which time the supplier may object to providing source code access to any persons so identified, provided that access will not be unreasonably denied.

Deleted: In addition, no more than ten (10) additional attorneys and/or experts who qualify under paragraph 3, of this Protective Order, for the receiving party, may have access to printed copies of any portion of the supplier's source code.

Deleted: two

Deleted: s

Deleted: 48

Deleted: If an objection to an individual is made by the supplier, it will be the burden of the requesting party to prove that individual should be authorized to inspect the supplier's source code.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.