

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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LSI CORPORATION and AVAGO TECHNOLOGIES U.S., INC.,

Petitioners,

v.

REGENTS OF THE UNIVERSITY OF MINNESOTA,

Patent Owner.

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Case No. IPR2017-01068

Patent No. 5,859,601

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**PROTECTIVE ORDER**

The following Protective Order will govern the filing and treatment of confidential information in the proceeding:

### **Protective Order**

This protective order governs the treatment and filing of confidential information, including documents and testimony.

1. As used in this Protective Order, these terms have the following meanings:
  - (a) “Party”: any Party to this action, including all of its officers, directors, employees, consultants, retained experts and consultants, and Outside Counsel (and their support staff).
  - (b) “Material”: all information, documents, items and things produced, served or otherwise provided in this action (whether paper, electronic, tangible, or otherwise) by the Parties or by non-parties including, but not limited to, deposition testimony, transcripts and videotapes, and deposition exhibits.
  - (c) “Producing Party”: a Party or non-party that produces Material in this action.
  - (d) “Receiving Party”: a Party that receives Material from a Producing Party.
  - (e) “Designating Party”: a Party or non-party that designates Material as

“Confidential Information” or “Confidential -- Attorneys’ Eyes Only Information.”

(f) “Confidential Information”: Material the Designating Party believes in good faith is not generally known to others, and which the Designating Party (i) would not normally reveal to third parties except in confidence or has undertaken with others to maintain in confidence; (ii) believes in good faith is protected by a right to privacy under federal or state law or any other applicable privilege or right related to confidentiality or privacy; or (iii) believes in good faith to constitute or to contain trade secrets or other confidential research, development, or commercial information. Confidential Information shall include all Material referring or relating to the foregoing, including but not limited to copies, summaries, and abstracts of the foregoing, and shall be designated as such in the manner described in Paragraph 3.

(g) “Confidential -- Attorneys’ Eyes Only Information”: Material the Designating Party believes in good faith is not generally known to others and has significant value such that unrestricted disclosure to others would create a substantial risk of serious injury, and which the Designating Party (i) would not normally reveal to third parties except in confidence or has undertaken with others to maintain in confidence; (ii) believes in good faith

is protected by a right to privacy under federal or state law or any other applicable privilege or right related to confidentiality or privacy; or (iii) believes in good faith constitutes proprietary financial, technical or commercially sensitive competitive information that the Producing Party maintains as highly confidential in its business. “Confidential -- Attorneys’ Eyes Only Information,” shall include all Material referring or relating to the foregoing, including but not limited to copies, summaries, and abstracts of the foregoing, and shall be designated as such in the manner described in Paragraph 4.

(h) “Designated Material”: Material that is designated “Confidential Information” or “Confidential -- Attorneys’ Eyes Only Information.”

(i) “Outside Counsel”: attorneys (including litigation and clerical support staff) at the firm that is counsel of record for a Party and who are not employees, directors, or officers of a Party or a Party’s parents, affiliates, or subsidiaries.

(j) “Outside Consultant”: a person with specialized knowledge or experience in a matter pertinent to this action who has been retained by a Party or its Outside Counsel to serve as an expert witness or as a consultant in this action and who is not: (i) a past, current, or anticipated employee of a Party or of a Party’s competitor; or (ii) a consultant involved in product

and/or process design or development for a Party or for a Party's competitor.

(k) "Professional Vendors": persons or entities that provide litigation support services (e.g., photocopying, videotaping, translating, preparing exhibits or demonstrations, organizing or processing data) and their employees and subcontractors. Court reporters and videographers are included. Professional Vendors do not include consultants who fall within the definition of Outside Consultant.

(l) "Written Assurance": an executed document in the form attached as Exhibit A.

2. Designated Material shall be clearly marked "CONFIDENTIAL INFORMATION" or "CONFIDENTIAL - ATTORNEYS' EYES ONLY INFORMATION."

3. Access to information marked "CONFIDENTIAL INFORMATION" may be disclosed to the Receiving Party only to the following individuals provided that such individuals are informed of the terms of this Protective Order:

(a) two (2) employees of the Receiving Party who are required in good faith to provide assistance in the conduct of this litigation, including any settlement discussions, and who are identified as such in writing to counsel for the

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