

Filed on behalf of the Petitioner

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PERSEPHONE, GMBH
U.S. Application No. 15/368,221
Petitioner

v.

SIMON TECHNOLOGIES LLC
U.S. Application No. 14/726,075
Respondent

Case DER2017-00004

PROPOSED PROTECTIVE ORDER

Pursuant to 37 C.F.R. § 42.54, Petitioner hereby requests for the entry of the following Protective Order to govern the handling of confidential information in this derivation proceeding.

1. Definitions

1.1 Confidential Information: Information that qualifies for protection under Federal Rule of Civil Procedure 26.

1.2 Producing Party: The party producing Confidential Information.

1.3 Receiving Party: The party receiving Confidential Information.

2. Designation of Confidential Information

2.1 Documents and information produced in this proceeding may be designated as “Confidential” by stamping or labeling each page containing such information with the word “CONFIDENTIAL.”

2.2 Testimony or information disclosed at a deposition may be designated as “Confidential” by indicating on the record at the deposition that the testimony is confidential and subject to the provisions of this Protective Order.

3. Access to Confidential Information

3.1 Access to Confidential Information shall be limited to the following persons:

- The PTAB and its staff.
- Outside counsel of record for the parties, including their support staff.
- Experts or consultants retained by the parties, provided they sign an acknowledgment agreeing to be bound by the terms of this Protective Order.
- Court reporters and videographers engaged for depositions.

4. Use of Confidential Information

4.1 Confidential Information shall be used solely for the purposes of this proceeding and not for any other purpose, including any other litigation or business purpose.

4.2 Confidential Information shall not be disclosed to any person except in accordance with the terms of this Protective Order.

5. Filing of Confidential Information

5.1 Any documents containing Confidential Information that are filed with the PTAB shall be filed under seal and shall remain under seal until further order of the PTAB.

6. Handling of Confidential Information at Hearings

6.1 The parties shall meet and confer regarding the procedures for handling Confidential Information at hearings and shall propose such procedures to the PTAB.

7. Final Disposition

7.1 Within 60 days after the final disposition of this proceeding, each Receiving Party shall return all Confidential Information to the Producing Party or destroy such material.

8. Miscellaneous

8.1 This Protective Order may be modified by the PTAB upon a showing of good cause.

Dated: October 11, 2024

Respectfully submitted,

PERSEPHONE, GMBH

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CERTIFICATE OF SERVICE UNDER 37 C.F.R. § 42.6 (e)(4)

The undersigned hereby certify that a copy of the foregoing PROPOSED PROTECTIVE ORDER document is being served via electronic mail, as previously consented to by Respondent, on October 11, 2024:

Neil G. Ferrari	nferrari@munckwilson.com
Jordan C. Strauss	jstrauss@munckwilson.com

Dated: October 11, 2024

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