UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,

Petitioner,

v.

DDC TECHNOLOGY, LLC,

Patent Owner.

IPR2023-00711

U.S. Patent 11,093,001

PATENT OWNER DDC TECHNOLOGY, LLC'S UNOPPOSED MOTION TO SEAL AND REQUEST FOR ENTRY OF AGREED PROTECTIVE ORDER UNDER 37 C.F.R. §§ 42.14 AND 42.54

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Patent Owner DDC Technology, LLC ("DDC" or "Patent Owner") respectfully submits this Motion to Seal portions of its Preliminary Response to Petition for *Inter Partes* Review, as well as certain exhibits attached thereto, all of which are being filed concurrently with this Motion.

I. REASONS FOR SEALING EXHIBITS AND REDACTING RELATED PORTIONS OF THE PETITION

The standard governing the Board's determination of whether to grant a motion to seal is "good cause." *Garmin v. Cuozzo*, IPR2012-0001, Paper 36 (PTAB April 5, 2013). The Board aims to "strike a balance between the public's interest in maintaining a complete and understandable file history and the parties' interest in protecting truly sensitive information." *Id.*

DDC's Preliminary Response includes twelve exhibits (2005, 2006, 2007, 2008, 2015, 2017, 2019, 2020, 2024, 2029, 2030, and 2035) sought to be sealed. As set forth in Table 1,[1] below, good cause exists for maintaining these exhibits under seal.

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[1] Pursuant to Section 6(A)(iii), those portions of Table 1 identifies as "Statement[s] from Google" have been provided by counsel for Google and are reproduced here without modification by DDC.

Exhibit	Description	Good Cause
EX2005	Agreement between Google and Orora Packaging Solutions (OPS), GOOG-DDC-0000040-GOOG-DDC-0000046.	Statement from Google: This exhibit contains highly confidential, attorneys' eyes only (AEO) business information between Google and OPS. This exhibit is subject to a protective order and designated as AEO in *DDC Technology, LLC v. Google LLC*, Case No. 23-cv-01160-VC (NDCA).
EX2006	Agreement between Google and OPS, GOOG-DDC-0000029-GOOG-DDC-0000039.	Statement from Google: This exhibit contains highly confidential, AEO business information between Google and OPS. This exhibit is subject to a protective order and designated as AEO in *DDC Technology, LLC v.*

Exhibit	Description	Good Cause
		Google LLC, Case No. 23-cv-01160-VC (NDCA).
EX2007	Agreement between Google and OPS, GOOG-DDC-0000024-GOOG-DDC-0000026	Statement from Google: This exhibit contains highly confidential, AEO business information between Google and OPS. This exhibit is subject to a protective order and designated as AEO in *DDC Technology, LLC v. Google LLC*, Case No. 23-cv-01160-VC (NDCA).
EX2008	Agreement between Google and OPS, OPS000010-OPS000024.	This exhibit was designated by nonparty OPS as "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" subject to a protective order in the district court litigation styled *DDC Technology, LLC v. Orora*

Exhibit	Description	Good Cause
		Packaging Solutions, Case No. 3:22-cv-01263-B-BT (N.D. Tex.). <u>Statement from Google:</u> This exhibit contains highly confidential, AEO business information between Google and OPS. This exhibit is subject to a protective order and designated as AEO in *DDC Technology, LLC v. Google LLC*, Case No. 23-cv-01160-VC (NDCA).
EX2015	Agreement between Google and OPS, OPS000009, OPS000046, and OPS000056-OPS000060.	This exhibit was designated by nonparty OPS as "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" subject to a protective order in the district court litigation styled *DDC*

Exhibit	Description	Good Cause
		Technology, LLC v. Orora Packaging Solutions, Case No. 3:22-cv-01263-B-BT (N.D. Tex.). <u>Statement from Google:</u> This exhibit contains highly confidential, AEO business information between Google and OPS. This exhibit is subject to a protective order and designated as AEO in *DDC Technology, LLC v. Google LLC*, Case No. 23-cv-01160-VC (NDCA).
EX2017	Declaration of Timothy Haller	This exhibit contains confidential facts concerning settlement proceedings in the district court litigation styled *DDC Technology, LLC v. Orora Packaging Solutions*,

Exhibit	Description	Good Cause
		Case No. 3:22-cv-01263-B-BT (N.D. Tex.).
EX2019	Discovery document produced by OPS, OPS000009, OPS000046, and OPS000056-OPS000060	This exhibit was designated by nonparty OPS as "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" subject to a protective order in the district court litigation styled *DDC Technology, LLC v. Orora Packaging Solutions*, Case No. 3:22-cv-01263-B-BT (N.D. Tex.).
EX2020	Settlement communications between counsel for DDC and counsel for OPS	This exhibit reflects confidential settlement communications between DDC and nonparty OPS.
EX2024	Pre-suit communications	This exhibit is a confidential email string between representatives from

Exhibit	Description	Good Cause
	between Google and DODOcase.	Google and DDC's predecessor-in-interest. It was produced as "CONFIDENTIAL" by DDC pursuant to a protective order in the district court litigation styled *DDC Technology, LLC v. Orora Packaging Solutions*, Case No. 3:22-cv-01263-B-BT (N.D. Tex.). <u>Statement from Google:</u> This exhibit contains confidential business information between Google and patent owner. This exhibit is subject to a protective order and designated as confidential in *DDC Technology, LLC v. Google LLC*, Case No. 23-cv-01160-VC (NDCA).

Exhibit	Description	Good Cause
EX2029	Agreement between DDC and Unofficial Cardboard, Inc.	This exhibit is a confidential settlement agreement between DDC and Unofficial Cardboard, Inc.
EX2030	Financial information, GOOG-DDC-0000365.	<u>Statement from Google:</u> This exhibit contains highly confidential, AEO business information of Google and other parties. This exhibit is subject to a protective order and designated as AEO in *DDC Technology, LLC v. Google LLC*, Case No. 23-cv-01160-VC (NDCA).
EX2035	Communications between DODOcase and Google.	This exhibit is a confidential email string between representatives from Google and DDC's predecessor-in-interest. It was produced as "CONFIDENTIAL" by DDC

Exhibit	Description	Good Cause
		pursuant to a protective order in the district court litigation styled *DDC Technology, LLC v. Orora Packaging Solutions*, Case No. 3:22-cv-01263-B-BT (N.D. Tex.).

The Preliminary Response cites and discusses these twelve exhibits.

DDC has filed a confidential, non-redacted version of its Preliminary Response and a redacted version of its Preliminary Response to redact references and citations to the information sought to be sealed.

Because the sealed exhibits and redacted portions of the Preliminary Response are subject to protective orders and/or third-party confidentiality obligations, DDC brings this motion to seal with good cause and under good faith.

II. PROPOSED PROTECTIVE ORDER

Pursuant to 37 C.F.R. § 42.54(a), DDC respectfully requests entry of the agreed protective order attached hereto as Appendix A. A redline showing substantive changes from the default protective order is attached as Appendix B. DDC has conferred with counsel for Google about entry of the agreed protective order and counsel for Google has agreed to entry of the agreed protective order.

Respectfully submitted,

Dated: August 23, 2023

/MATTHEW C. HOLOHAN/

Matthew C. Holohan, Lead Counsel
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(303) 863-9700
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CERTIFICATE OF COMPLIANCE

Pursuant to 37 C.F.R. § 42.24(d), the undersigned certifies that **PATENT OWNER DDC TECHNOLOGY, LLC'S UNOPPOSED MOTION TO SEAL AND REQUEST FOR ENTRY OF AGREED PROTECTIVE ORDER UNDER 37 C.F.R. §§ 42.14 AND 42.54** complies with the type-volume limitation of 37 C.F.R. § 42.24(a) because it is less than 15 pages, as determined by the word-processing program used to prepare the brief, excluding the parts of the brief exempted by 37 C.F.R. § 42.24(a)(1).

Dated: August 23, 2023

/MATTHEW C. HOLOHAN/

Matthew C. Holohan, Lead Counsel
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Denver, CO 80202
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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e) and 42.105(a) and (b), I certify that on August 23, 2023, a true and accurate copy of this paper, **PATENT OWNER DDC TECHNOLOGY, LLC'S UNOPPOSED MOTION TO SEAL AND REQUEST FOR ENTRY OF AGREED PROTECTIVE ORDER UNDER 37 C.F.R. §§ 42.14 AND 42.54**, was served on the following counsel for Petitioner via e-mail, pursuant to Petitioner's consent to e-mail service:

Michael L. Kiklis
Kiklis and Clark, PLLC
1800 Diagonal Rd., Suite 600
Alexandria, VA 22314
E-mail: michael@kiklisclark.com

Dated: August 23, 2023

/Lori R. Brown/

Lori R. Brown
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APPENDIX A

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,

Petitioner,

v.

DDC TECHNOLOGY, LLC,

Patent Owner.

IPR2023-00711

U.S. Patent 11,093,001

PROTECTIVE ORDER

PROTECTIVE ORDER

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

1. Confidential Information shall be clearly marked "CONFIDENTIAL - PROTECTIVE ORDER MATERIAL" or "HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY."

2. Access to Confidential Information designated "CONFIDENTIAL - PROTECTIVE ORDER MATERIAL" is limited to the following individuals who have executed the acknowledgment appended to this order:

(A) Parties. Persons who are owners of a patent involved in the proceeding and other persons who are named parties to the proceeding.

(B) Outside Counsel. Outside counsel of record for a party in the proceeding and outside counsel of record in *DDC Technology, LLC v. Google LLC*, Case No. 23-cv-01160-VC (N.D. Cal.).

(C) Experts. Retained experts of a party in the proceeding who further certify in the Acknowledgement that they are not a competitor to any party, or a consultant for, or employed by, such a competitor with respect to the subject matter of the proceeding.

(D) In-house counsel. In-house counsel of a party.

(E) Support Personnel. Administrative assistants, clerical staff, court reporters and other support personnel of the foregoing persons who are reasonably necessary to assist those persons in the proceeding. Such support personnel shall not be required to sign an Acknowledgement, but shall be informed of the terms and requirements of the Protective Order by the person they are supporting who receives confidential information.

(F) The Office. Employees and representatives of the United States Patent and Trademark Office who have a need for access to the confidential information shall have such access without the requirement to sign an Acknowledgement. Such employees and representatives shall include the Director, members of the Board and their clerical staff, other support personnel, court reporters, and other persons acting on behalf of the Office.

3. Access to confidential information designated "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" is limited to the following individuals who have executed the acknowledgment appended to this order:

(A) Outside Counsel. Outside counsel of record for a party in the proceeding and outside counsel of record in *DDC Technology, LLC v. Google LLC*, Case No. 23-cv-01160-VC (N.D. Cal.). All in-house counsel and other representatives of the parties (other than outside counsel of record) shall not

be allowed to view HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY Information.

(B) Experts. Retained experts of a party in the proceeding who further certify in the Acknowledgement that they are not a competitor to any party, or a consultant for, or employed by, such a competitor with respect to the subject matter of the proceeding.

(C) Support Personnel. Administrative assistants, clerical staff, court reporters and other support personnel of the foregoing persons who are reasonably necessary to assist those persons in the proceeding. Such support personnel shall not be required to sign an Acknowledgement, but shall be informed of the terms and requirements of the Protective Order by the person they are supporting who receives confidential information.

(D) The Office. Employees and representatives of the United States Patent and Trademark Office who have a need for access to the confidential information shall have such access without the requirement to sign an Acknowledgement. Such employees and representatives shall include the Director, members of the Board and their clerical staff, other support personnel, court reporters, and other persons acting on behalf of the Office.

4. Employees (*e.g.*, corporate officers), consultants, or other persons performing work for a party, other than those persons identified above in (2)(A)-(E),

shall be extended access to Confidential Information only upon agreement of the parties or by order of the Board upon a motion brought by the party seeking to disclose confidential information to that person and after signing the Acknowledgment. The party opposing disclosure to that person shall have the burden of proving that such person should be restricted from access to confidential information.

5. Protection of Confidential Information. Persons receiving Confidential Information shall use reasonable efforts to maintain the confidentiality of the information, including:

(A) Maintaining such information in a secure location to which persons not authorized to receive the information shall not have access;

(B) Otherwise using reasonable efforts to maintain the confidentiality of the information, which efforts shall be no less rigorous than those the recipient uses to maintain the confidentiality of information not received from the disclosing party;

(C) Ensuring that support personnel of the recipient who have access to the confidential information understand and abide by the obligation to maintain the confidentiality of information received that is designated as confidential; and

(D) Limiting the copying of confidential information to a reasonable number of copies needed to conduct the proceeding and maintaining a record of the locations of such copies, which similarly must be kept secure.

6. Treatment of Confidential Information. Persons receiving Confidential Information shall use the following procedures to maintain the confidentiality of the information:

(A) Documents and Information Filed With the Board.

(i) A party may file documents or information with the Board along with a Motion to Seal. The Motion to Seal should provide a non-confidential description of the nature of the confidential information that is under seal, and set forth the reasons why the information is confidential and should not be made available to the public. A party may challenge the confidentiality of the information by opposing the Motion to Seal. The documents or information shall remain under seal unless the Board determines that some or all of it does not qualify for confidential treatment.

(ii) Where confidentiality is alleged as to some but not all of the information submitted to the Board, the submitting party shall file confidential and non-confidential versions of its submission, together with a Motion to Seal the confidential version setting forth the reasons why the information redacted from the non-confidential version is confidential and should not be made

publicly available. A party may challenge the confidentiality of the information by opposing the Motion to Seal. The non-confidential version of the submission shall clearly indicate the locations of information that has been redacted. The confidential version of the submission shall be filed under seal. The redacted information shall remain under seal unless the Board determines that some or all of the redacted information does not qualify for confidential treatment.

(iii) When the Confidential Information is to be filed with the Board by a party ("filing party") and the opposing party designated the information as confidential ("designating party"), the parties shall perform the following: (1) the filing party shall, to the extent practicable, provide the designating party with 7 days advance notice of its intention to file the Confidential Information and specifically identify such Confidential Information; (2) where confidentiality is alleged as to some but not all of the information submitted to the Board, the designating party shall send a non-confidential version of the Confidential Information to the filing party 2 days before the filing party intends to file the Confidential Information with the Board; and (3) the designating party shall provide, for inclusion in the filing party's motion to seal, a non-confidential description of the nature of the confidential information to be filed under seal, and an explanation of the reasons why the

information is confidential and should not be made available to the public, 1 day before the filing party intends to file the Confidential Information with the Board.

(B) Documents and Information Exchanged Among the Parties. Documents (including deposition transcripts) and other information designated as confidential that are disclosed to another party during discovery or other proceedings before the Board shall be clearly marked as "CONFIDENTIAL - PROTECTIVE ORDER MATERIAL" or "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" and shall be produced in a manner that maintains its confidentiality.

7. Production of Privileged or Otherwise Protected Material. When a party gives notice that certain produced material is subject to a claim of privilege or other protection, that party may notify the party that received the information of the claim and the basis for it. After being notified, the receiving party must promptly return or destroy the specified information and any copies it has and may not sequester, use or disclose the information. In addition, information that contains privileged matter or attorney work product shall be immediately returned if such information appears on its face to have been inadvertently produced. Any disclosure of communications, information, or documents covered by the attorney-client privilege or work product protection is not a waiver of the privilege or protection. This Order shall be

interpreted to provide the maximum protection allowed by Federal Rule of Evidence 502(d). Accordingly, the provisions of Federal Rule of Evidence 502(b) do not apply, and the disclosing party is not required to satisfy the elements of Rule 502(b) to properly assert the attorney-client privilege or work product protection over disclosed communications, information, and documents.

8. Within 60 days after the final disposition of this action, including the exhaustion of all appeals and motions, each party receiving Confidential Information must return, or certify the destruction of, all copies of the confidential information to the producing party.

9. Standard Acknowledgement of Protective Order. The form attached as Appendix A may be used to acknowledge a protective order and gain access to information covered by the protective order.

Agreed upon by the parties.

Respectfully submitted,

Google LLC
Petitioner

By /s/ Michael L. Kiklis
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Kiklis and Clark, PLLC
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DDC Technology, LLC
Patent Owner

By /s/ Matthew C. Holohan
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Phone: 303-863-9700

Dated: August 23, 2023

Dated: August 23, 2023

APPENDIX A

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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U.S. Patent 11,093,001

Standard Acknowledgment for Access to Protective Order Material

Standard Acknowledgment for Access to Protective Order Material

I _____, affirm that I have read the Protective Order;

that I will abide by its terms;

that I will use the confidential information only in connection with this proceeding and for no other purpose;

that I will only allow access to support staff who are reasonably necessary to assist me in this proceeding;

that prior to any disclosure to such support staff I informed or will inform them of the requirements of the Protective Order;

that I am personally responsible for the requirements of the terms of the Protective Order and I agree to submit to the jurisdiction of the Office and the United States District Court for the Eastern District of Virginia for purposes of enforcing the terms of the Protective Order and providing remedies for its breach.

SIGNED this _____ day of _____ 202_ at _____.

_____

[Signature]

_____

[print name]

APPENDIX B

~~DEFAULT~~ PROTECTIVE ORDER

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

1. Confidential Information shall be clearly marked "CONFIDENTIAL - PROTECTIVE ORDER MATERIAL" or "HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY."

2. Access to Confidential Information designated "CONFIDENTIAL - PROTECTIVE ORDER MATERIAL" is limited to the following individuals who have executed the acknowledgment appended to this order:

(A) Parties. Persons who are owners of a patent involved in the proceeding and other persons who are named parties to the proceeding.

(B) ~~Party Representatives. Representatives of record for a party in the proceeding.~~ Outside Counsel. Outside counsel of record for a party in the proceeding and outside counsel of record in *DDC Technology, LLC v. Google LLC*, Case No. 23-cv-01160-VC (N.D. Cal.).

(C) Experts. Retained experts of a party in the proceeding who further certify in the Acknowledgement that they are not a competitor to any party, or a consultant for, or employed by, such a competitor with respect to the subject matter of the proceeding.

(D) In-house counsel. In-house counsel of a party.

(E) Support Personnel. Administrative assistants, clerical staff, court reporters and other support personnel of the foregoing persons who are reasonably necessary to assist those persons in the proceeding. Such support personnel shall not be required to sign an Acknowledgement, but shall be informed of the terms and requirements of the Protective Order by the person they are supporting who receives confidential information.

(F) The Office. Employees and representatives of the United States Patent and Trademark Office who have a need for access to the confidential information shall have such access without the requirement to sign an Acknowledgement. Such employees and representatives shall include the Director, members of the Board and their clerical staff, other support personnel, court reporters, and other persons acting on behalf of the Office.

3. Access to confidential information designated "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" is limited to the following individuals who have executed the acknowledgment appended to this order:

(A) Outside Counsel. Outside counsel of record for a party in the proceeding and outside counsel of record in *DDC Technology, LLC v. Google LLC*, Case No. 23-cv-01160-VC (N.D. Cal.). All in-house counsel and other representatives of the parties (other than outside counsel of record) shall not

be allowed to view HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY Information.

(B) Experts. Retained experts of a party in the proceeding who further certify in the Acknowledgement that they are not a competitor to any party, or a consultant for, or employed by, such a competitor with respect to the subject matter of the proceeding.

(C) Support Personnel. Administrative assistants, clerical staff, court reporters and other support personnel of the foregoing persons who are reasonably necessary to assist those persons in the proceeding. Such support personnel shall not be required to sign an Acknowledgement, but shall be informed of the terms and requirements of the Protective Order by the person they are supporting who receives confidential information.

(D) The Office. Employees and representatives of the United States Patent and Trademark Office who have a need for access to the confidential information shall have such access without the requirement to sign an Acknowledgement. Such employees and representatives shall include the Director, members of the Board and their clerical staff, other support personnel, court reporters, and other persons acting on behalf of the Office.

~~3~~4. Employees (*e.g.*, corporate officers), consultants, or other persons performing work for a party, other than those persons identified above in ~~(d)~~(2)(A)-

(E), shall be extended access to Confidential Information only upon agreement of the parties or by order of the Board upon a motion brought by the party seeking to disclose confidential information to that person and after signing the Acknowledgment. The party opposing disclosure to that person shall have the burden of proving that such person should be restricted from access to confidential information.

45. Protection of Confidential Information. Persons receiving Confidential Information shall use reasonable efforts to maintain the confidentiality of the information, including:

(A) Maintaining such information in a secure location to which persons not authorized to receive the information shall not have access;

(B) Otherwise using reasonable efforts to maintain the confidentiality of the information, which efforts shall be no less rigorous than those the recipient uses to maintain the confidentiality of information not received from the disclosing party;

(C) Ensuring that support personnel of the recipient who have access to the confidential information understand and abide by the obligation to maintain the confidentiality of information received that is designated as confidential; and

(D) Limiting the copying of confidential information to a reasonable number of copies needed to conduct the proceeding and maintaining a record of the locations of such copies, which similarly must be kept secure.

~~5~~6. Treatment of Confidential Information. Persons receiving Confidential Information shall use the following procedures to maintain the confidentiality of the information:

(A) Documents and Information Filed With the Board.

(i) A party may file documents or information with the Board along with a Motion to Seal. The Motion to Seal should provide a non-confidential description of the nature of the confidential information that is under seal, and set forth the reasons why the information is confidential and should not be made available to the public. A party may challenge the confidentiality of the information by opposing the Motion to Seal. The documents or information shall remain under seal unless the Board determines that some or all of it does not qualify for confidential treatment.

(ii) Where confidentiality is alleged as to some but not all of the information submitted to the Board, the submitting party shall file confidential and non-confidential versions of its submission, together with a Motion to Seal the confidential version setting forth the reasons why the information redacted from the non-confidential version is confidential and should not be made

publicly available. A party may challenge the confidentiality of the information by opposing the Motion to Seal. The non-confidential version of the submission shall clearly indicate the locations of information that has been redacted. The confidential version of the submission shall be filed under seal. The redacted information shall remain under seal unless the Board determines that some or all of the redacted information does not qualify for confidential treatment.

(iii) When the Confidential Information is to be filed with the Board by a party ("filing party") and the opposing party designated the information as confidential ("designating party"), the parties shall perform the following: (1) the filing party shall, to the extent practicable, provide the designating party with 7 days advance notice of its intention to file the Confidential Information and specifically identify such Confidential Information; (2) where confidentiality is alleged as to some but not all of the information submitted to the Board, the designating party shall send a non-confidential version of the Confidential Information to the filing party 2 days before the filing party intends to file the Confidential Information with the Board; and (3) the designating party shall provide, for inclusion in the filing party's motion to seal, a non-confidential description of the nature of the confidential information to be filed under seal, and an explanation of the reasons why the

information is confidential and should not be made available to the public, 1 day before the filing party intends to file the Confidential Information with the Board.

(B) Documents and Information Exchanged Among the Parties. Documents (including deposition transcripts) and other information designated as confidential that are disclosed to another party during discovery or other proceedings before the Board shall be clearly marked as "CONFIDENTIAL - PROTECTIVE ORDER MATERIAL" or "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" and shall be produced in a manner that maintains its confidentiality.

7. Production of Privileged or Otherwise Protected Material. When a party gives notice that certain produced material is subject to a claim of privilege or other protection, that party may notify the party that received the information of the claim and the basis for it. After being notified, the receiving party must promptly return or destroy the specified information and any copies it has and may not sequester, use or disclose the information. In addition, information that contains privileged matter or attorney work product shall be immediately returned if such information appears on its face to have been inadvertently produced. Any disclosure of communications, information, or documents covered by the attorney-client privilege or work product protection is not a waiver of the privilege or protection. This Order shall be

interpreted to provide the maximum protection allowed by Federal Rule of Evidence 502(d). Accordingly, the provisions of Federal Rule of Evidence 502(b) do not apply, and the disclosing party is not required to satisfy the elements of Rule 502(b) to properly assert the attorney-client privilege or work product protection over disclosed communications, information, and documents.

~~6~~8. Within 60 days after the final disposition of this action, including the exhaustion of all appeals and motions, each party receiving Confidential Information must return, or certify the destruction of, all copies of the confidential information to the producing party.

~~(k)~~9. Standard Acknowledgement of Protective Order. The form attached as Appendix A may be used to acknowledge a protective order and gain access to information covered by the protective order.

[CAPTION]

Standard Acknowledgment for Access to Protective Order Material

I _____, affirm that I have read the Protective Order;

that I will abide by its terms;

that I will use the confidential information only in connection with this proceeding and for no other purpose;

that I will only allow access to support staff who are reasonably necessary to assist me in this proceeding;

that prior to any disclosure to such support staff I informed or will inform them of the requirements of the Protective Order;

that I am personally responsible for the requirements of the terms of the Protective Order and I agree to submit to the jurisdiction of the Office and the United States District Court for the Eastern District of Virginia for purposes of enforcing the terms of the Protective Order and providing remedies for its breach.

SIGNED this _____ day of _____ 202_ at _____.

_____

[Signature]

_____

[print name]