

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

STELLAR, LLC,

Plaintiff,

v.

MOTOROLA SOLUTIONS, INC., and
WATCHGUARD VIDEO, INC.,

Defendants.

Civil Action No. 4:23-cv-750-SDJ

MOTOROLA SOLUTIONS, INC., and
WATCHGUARD VIDEO, INC.,

Counterclaim Plaintiffs,

v.

STELLAR, LLC,

Counterclaim Defendant.

**DEFENDANTS MOTOROLA SOLUTIONS, INC. AND
WATCHGUARD VIDEO, INC.'S NOTICE OF INTENT TO SERVE SUBPOENA**

PLEASE TAKE NOTICE that pursuant to Rule 45(a)(4) of the Federal Rules of Civil Procedure, Defendants Motorola Solutions, Inc. (“MSI”) and WatchGuard Video, Inc. (“WatchGuard”) (collectively, “Defendants”), intend to serve the attached subpoena to Decatur Electronics, LLC, 920 S. Andreasen Drive, Suite 103, Escondido, CA 92029.

Dated: April 9, 2024

Respectfully submitted,

/s/ Christopher A. Buxton

Hilda C. Galvan
Texas State Bar No. 00787512
hcgalan@jonesday.com
Christopher A. Buxton
Texas State Bar No. 24116154
cbuxton@jonesday.com
JONES DAY
2727 N. Harwood St.,
Suite 500
Dallas, TX 75201
Telephone: (214) 220-3939
Facsimile: (214) 969-5100

John A. Marlott
jamarlott@jonesday.com
Kristina N. Hendricks
khendricks@jonesday.com
JONES DAY
110 North Wacker Drive,
Suite 4800
Chicago, IL 60606
Telephone: (312) 782-3939
Facsimile: (312) 782-8585

*Attorneys for Defendants,
Motorola Solutions, Inc. and
Watchguard Video, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2024, a copy of the foregoing document was served electronically by email on all counsel of record who have appeared via CM/ECF.

/s/ Christopher A. Buxton

Christopher A. Buxton

UNITED STATES DISTRICT COURT

for the

Eastern District of Texas

STELLAR, LLC

Plaintiff

v.

MOTOROLA SOLUTIONS, INC. and
WATCHGUARD VIDEO, INC.,

Defendant

Civil Action No. 4:23-CV-750-SDJ

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To:

Decatur Electronics, LLC
920 S. Andreasen Drive, Suite 103, Escondido, CA 92029

(Name of person to whom this subpoena is directed)



Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Attachment A.

Place: Jones Day
4655 Executive Drive, Suite 1500
San Diego, CA 92121-3134

Date and Time:

04/23/2024 9:00 am



Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 04/09/2024

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ Christopher A. Buxton

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* MOTOROLA SOLUTIONS, INC. and WATCHGUARD VIDEO, INC., who issues or requests this subpoena, are:

Christopher Buxton, 2727 N. Harwood St. Suite: 600, Dallas, Texas 75201, cbuxton@jonesday.com, (214) 969-4841

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

PATENT OWNER
Ex 2010

Civil Action No. 4:23-CV-750-SDJ

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

PATENT OWNER

Print

Save As...

Add Attachment

Reset

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

UNITED STATES DISTRICT COURT

for the

Eastern District of Texas

STELLAR, LLC

Plaintiff

v.

MOTOROLA SOLUTIONS, INC. and
WATCHGUARD VIDEO, INC.,

Defendant

Civil Action No. 4:23-CV-750-SDJ

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To:

Decatur Electronics, LLC
920 S. Andreasen Drive, Suite 103, Escondido, CA 92029

(Name of person to whom this subpoena is directed)

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must promptly confer in good faith with the party serving this subpoena about the following matters, or those set forth in an attachment, and you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about these matters: See Attachment A.

Place: Jones Day
4655 Executive Drive, Suite 1500
San Diego, CA 92121-3134

Date and Time:
04/30/2024 9:00 am

The deposition will be recorded by this method: stenographic and/or videographic means.

☐ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 04/09/2024

CLERK OF COURT

OR

/s/ Christopher A. Buxton

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) MOTOROLA SOLUTIONS, INC. and WATCHGUARD VIDEO, INC.

, who issues or requests this subpoena, are:
Christopher Buxton, 2727 N. Harwood St. Suite: 600, Dallas, Texas 75201, cbuxton@jonesday.com, (214) 969-4841

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 4:23-CV-750-SDJ

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____ .

☐ I served the subpoena by delivering a copy to the named individual as follows: _____

_____ on *(date)* _____ ; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

PATENT OWNER

Print

Save As...

Add Attachment

Reset

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

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- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

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(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

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(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

ATTACHMENT A

DEFINITIONS

The following definitions apply to the Requests and Topics below regardless of whether upper or lower case letters are used.

1. “Document” or “Documents” has the broadest meaning consistent with Federal Rule of Civil Procedure 34 and applicable case law, and includes electronically stored information as specified in Federal Rule of Civil Procedure 34.

2. “Decatur Gemini Product” shall mean any product used, offered for sale, sold, or imported into the United States prior to August 28, 2007, including each “Gemini” or “Gemini Digital” product described in any of the following:

- “Product Update: August 2004,” Police Chief Magazine, August 2004
(attached as Exhibit 1); and
- “A Second Set of Eyes,” Police Magazine, by Melanie Basic, April 30, 2005
(attached as Exhibit 2).

3. “You,” and “Your” shall mean Decatur Electronics and including without limitation all parents, subsidiaries, divisions, affiliates, predecessors, and acquisitions, including any other predecessor or successor Decatur Electronics corporate entity, and all past or present directors, officers, agents, representatives, or employees of any of the foregoing.

INSTRUCTIONS

1. The singular form of a word should be interpreted in the plural as well. The words “and” and “or” shall be construed conjunctively or disjunctively, whichever makes the request most inclusive. The word “including” shall be without limitation. The terms “each” and “any” shall mean any and all.

2. These requests call for Documents or things that are known or available to You, or in Your possession, custody or control, including all information known or available to Your attorneys, agents, representatives, or any other person acting or purporting to act on Your behalf or under the direction or control of You or Your attorneys, agents, representatives, or investigators.

3. If You withhold any Document or thing, or portion thereof, in response to any of the requests set forth below on grounds of privilege or any other claim of immunity from discovery, then for each Document or portion thereof withheld, state the following:

- a. the type of Document (e.g., letter, memorandum, contract, etc.);
- b. its title;
- c. its date;
- d. its subject matter;
- e. the name, address, and employer at the time of preparation of the individual(s) who authored, drafted, or prepared it;
- f. the name, address, and employer at the time of dissemination of the individual(s) to whom it was directed, circulated, or copied, or who had access thereto; and
- g. the grounds on which the Document is being withheld (e.g., “attorney-client privilege,” “work product immunity,” etc.).

4. In the event that You object to any request on the ground that it is overbroad and/or unduly burdensome for any reason, respond to that request as narrowed to the least extent

necessary, in Your judgment, to render it not overbroad/unduly burdensome and state specifically the extent to which You have narrowed that request for purposes of Your response.

5. In the event that You object to any request on the ground that it is vague and/or ambiguous, identify the particular words, terms or phrases that are asserted to make such request vague and/or ambiguous and specify the meaning actually attributed to You by such words for purposes of Your response thereto.

6. If no Documents are responsive to a particular request, you are to state no responsive Documents exist.

7. All Documents produced by You in response to this Subpoena should include a production number.

8. You are to produce any purportedly privileged document containing non-privileged matter, with the purportedly privileged portion excised or redacted.

9. If any of the Documents requested herein are no longer in Your possession, custody, or control, You are requested to identify each such requested document by date, type of document, person(s) from whom sent, person(s) to whom sent, and person(s) receiving copies, and to provide a summary of its pertinent contents.

10. If any document responsive to these requests has been destroyed, describe the content of such document, the location of any copies of such document, the date of such destruction, and the name of the person who ordered or authorized such destruction.

11. If production of any document listed and described in this Attachment A is withheld on the basis of a claim of privilege, each withheld document shall be separately identified in a privileged document list. The privileged document list must identify each document separately, specifying for each document at least: (1) the date; (2) author(s)/sender(s);

(3) recipient(s), including copy recipients; and (4) general subject matter of the document. The sender(s) and recipients(s) shall be identified by position and entity (corporation or firm, etc.) with which they are employed or associated. If the sender or the recipient is an attorney, he or she shall be so identified. The type of privilege claimed must also be stated, together with a certification that all elements of the claimed privilege have been met and have not been waived with respect to each document. If the privilege applies to only a portion of the document, produce all portions of the document to which the claim does not apply.

12. If any requested Documents or information qualify as CONFIDENTIAL Information under the governing Protective Order signed by E.D. Texas District Judge Jordan in this action (Dkt. 26), such Documents or information shall be produced and appropriately handled by all parties according to the terms of the Court's governing Order (attached as Exhibit 3).

REQUESTS FOR PRODUCTION

REQUEST NO. 1:

Documents sufficient to show the structure, function, and operation of each Decatur Gemini Product including, but not limited to, the camera, the memory configuration, the memory management, how videos are preserved in memory and the “PreVu recording for capturing data before the officer knows it’s needed” as described in “Product Update: August 2004,” Police Chief Magazine, August 2004 (attached as Exhibit 1) and “A Second Set of Eyes,” Police Magazine, by Melanie Basic, April 30, 2005 (attached as Exhibit 2).

REQUEST NO. 2:

Documents sufficient to show sales or offers for sale in the United States of each Decatur Gemini Product prior to:

- August 31, 2005;
- November 30, 2005,
- June 29, 2006; and
- August 28, 2006.

REQUEST NO. 3:

Documents sufficient to show public use(s) in the United States of each Decatur Gemini Product prior to:

- August 31, 2005;
- November 30, 2005,
- June 29, 2006; and
- August 28, 2006.

REQUEST NO. 4:

Representative press releases, public product announcements, and other publications describing each Decatur Gemini Product and dated prior to:

- August 31, 2005;
- November 30, 2005,
- June 29, 2006; and
- August 28, 2006.

REQUEST NO. 5:

Representative user manuals, installation manuals, data sheets, and specifications for each Decatur Gemini Product and dated prior to:

- August 31, 2005;
- November 30, 2005,
- June 29, 2006; and
- August 28, 2006.

REQUEST NO. 6:

Source code from prior to August 28, 2007, for each version of the Decatur Gemini Product.

REQUEST NO. 7:

For inspection, a physical sample from prior to August 28, 2007, of each version of the Decatur Gemini Product.

DEPOSITION TOPICS:

TOPIC NO. 1: The structure, function, and operation of each Decatur Gemini Product including, but not limited to, the camera, the memory configuration, the memory management, how videos are preserved in memory and the “PreVu recording for capturing data before the officer knows it’s needed” as described in “Product Update: August 2004,” Police Chief Magazine, August 2004 (attached as Exhibit 1) and “A Second Set of Eyes,” Police Magazine, by Melanie Basic, April 30, 2005 (attached as Exhibit 2).

TOPIC NO. 2: Sales or offers for sale in the United States of each Decatur Gemini Product prior to: August 31, 2005; November 30, 2005; June 29, 2006; and August 28, 2006.

TOPIC NO. 3: Public use(s) in the United States of each Decatur Gemini Product prior to: August 31, 2005; November 30, 2005; June 29, 2006; and August 28, 2006.

TOPIC NO. 4: Representative press releases, public product announcements, and other publications describing each Decatur Gemini Product and dated prior to: August 31, 2005; November 30, 2005; June 29, 2006; and August 28, 2006.

TOPIC NO. 5: Source code from prior to August 28, 2007, for each version of the Decatur Gemini Product.

TOPIC NO. 6: The existence, structure, function, and operation of physical samples from prior to August 28, 2007, of each version of the Decatur Gemini Product.

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

STELLAR, LLC,

Plaintiff,

v.

MOTOROLA SOLUTIONS, INC., and
WATCHGUARD VIDEO, INC.,

Defendants.

Civil Action No. 4:23-cv-750-SDJ

MOTOROLA SOLUTIONS, INC., and
WATCHGUARD VIDEO, INC.,

Counterclaim Plaintiffs,

v.

STELLAR, LLC,

Counterclaim Defendant.

**DEFENDANTS MOTOROLA SOLUTIONS, INC. AND
WATCHGUARD VIDEO, INC.'S NOTICE OF INTENT TO SERVE SUBPOENA**

PLEASE TAKE NOTICE that pursuant to Rule 45(a)(4) of the Federal Rules of Civil Procedure, Defendants Motorola Solutions, Inc. (“MSI”) and WatchGuard Video, Inc. (“WatchGuard”) (collectively, “Defendants”), intend to serve the attached subpoena to Charles B. Kirmuss, 10645 N. Osceola Loop, Westminster, CO 80031.

Dated: June 28, 2024

Respectfully submitted,

/s/ Kristina N. Hendricks

Hilda C. Galvan
Texas State Bar No. 00787512
hcgaltan@jonesday.com
Christopher A. Buxton
Texas State Bar No. 24116154
cbuxton@jonesday.com
JONES DAY
2727 N. Harwood St.,
Suite 500
Dallas, TX 75201
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John A. Marlott
jamarlott@jonesday.com
Kristina N. Hendricks
khendricks@jonesday.com
JONES DAY
110 North Wacker Drive,
Suite 4800
Chicago, IL 60606
Telephone: (312) 782-3939
Facsimile: (312) 782-8585

*Attorneys for Defendants,
Motorola Solutions, Inc. and
Watchguard Video, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2024, a copy of the foregoing document was served electronically by email on all counsel of record who have appeared via CM/ECF.

/s/ Kristina N. Hendricks

Kristina N. Hendricks

UNITED STATES DISTRICT COURT

for the

Eastern District of Texas

STELLAR, LLC

Plaintiff

v.

MOTOROLA SOLUTIONS, INC. and
WATCHGUARD VIDEO, INC.,*Defendant*

Civil Action No. 4:23-CV-750-SDJ

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To:

Decatur Electronics, LLC
920 S. Andreasen Drive, Suite 103, Escondido, CA 92029*(Name of person to whom this subpoena is directed)*

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must promptly confer in good faith with the party serving this subpoena about the following matters, or those set forth in an attachment, and you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about these matters: See Attachment A.

Place: Jones Day
4655 Executive Drive, Suite 1500
San Diego, CA 92121-3134

Date and Time:
04/30/2024 9:00 am

The deposition will be recorded by this method: stenographic and/or videographic means.

☐ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 04/09/2024

CLERK OF COURT

OR

/s/ Christopher A. Buxton*Signature of Clerk or Deputy Clerk**Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* MOTOROLA SOLUTIONS, INC. and WATCHGUARD VIDEO, INC., who issues or requests this subpoena, are:

Christopher Buxton, 2727 N. Harwood St. Suite: 600, Dallas, Texas 75201, cbuxton@jonesday.com, (214) 969-4841

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 4:23-CV-750-SDJ

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____ .

☐ I served the subpoena by delivering a copy to the named individual as follows: _____

_____ on *(date)* _____ ; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

PATENT OWNER

Print

Save As...

Add Attachment

Reset

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

UNITED STATES DISTRICT COURT

for the

Eastern District of Texas

STELLAR, LLC

Plaintiff

v.

MOTOROLA SOLUTIONS, INC. and
WATCHGUARD VIDEO, INC.,

Defendant

Civil Action No. 4:23-CV-750-SDJ

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To:

Decatur Electronics, LLC
920 S. Andreasen Drive, Suite 103, Escondido, CA 92029

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Attachment A.

Place: Jones Day
4655 Executive Drive, Suite 1500
San Diego, CA 92121-3134

Date and Time:

04/23/2024 9:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 04/09/2024

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ Christopher A. Buxton

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* MOTOROLA SOLUTIONS, INC. and WATCHGUARD VIDEO, INC., who issues or requests this subpoena, are:

Christopher Buxton, 2727 N. Harwood St. Suite: 600, Dallas, Texas 75201, cbuxton@jonesday.com, (214) 969-4841

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

PATENT OWNER
Ex 2010

Civil Action No. 4:23-CV-750-SDJ

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

PATENT OWNER

Print

Save As...

Add Attachment

Reset

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

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(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

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(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

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(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

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(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

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(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

ATTACHMENT A

DEFINITIONS

The following definitions apply to the Requests and Topics below regardless of whether upper or lower case letters are used.

1. “Document” or “Documents” has the broadest meaning consistent with Federal Rule of Civil Procedure 34 and applicable case law, and includes electronically stored information as specified in Federal Rule of Civil Procedure 34.

2. “Accessory” or “Accessories” shall mean any proprietary component that is specifically intended for use with a Video Recorder Product as herein defined, whether sold separately from the Video Recorder Product or sold bundled together with the Video Recorder Product, including but not limited to any cameras, docking stations, displays, modems, video servers, data terminals, or user interfaces that are specifically intended for use with a Video Recorder Product as herein defined.

3. “DIGITAL MOBILE WITNESS Video Recorder Product” shall mean any product used, offered for sale, sold, or imported into the United States prior to August 28, 2007, including each “TAW Vehicle Concepts,” “TAW Security Concepts,” “Mobile DigiView,” “Digital Mobile Witness,” or “Mobile Digital Witness” product, including any Accessories thereto, such as is described in the following:

- “Digital Mobile Witness recording system” by Craig Peterson, Law Enforcement Technology, p. 134, September 2003 (attached as Exhibit 1).

4. “DUAL VISION Video Recorder Product” shall mean any product used, offered for sale, sold, or imported into the United States prior to August 28, 2007, under the “Dual

Vision” or “Dual-Vision” brand name by Rosco Vision Systems, including any Accessories thereto.

5. “INFINITY Video Recorder Product” shall mean any product used, offered for sale, sold, or imported into the United States prior to August 28, 2007, under the “Infinity” brand name, including any Accessories thereto.

6. “You” and “Your” shall mean Charles B. Kirmuss.

INSTRUCTIONS

1. The singular form of a word should be interpreted in the plural as well. The words “and” and “or” shall be construed conjunctively or disjunctively, whichever makes the request most inclusive. The word “including” shall be without limitation. The terms “each” and “any” shall mean any and all.

2. These requests call for Documents or things that are known or available to You, or in Your possession, custody or control, including all information known or available to Your attorneys, agents, representatives, or any other person acting or purporting to act on Your behalf or under the direction or control of You or Your attorneys, agents, representatives, or investigators.

3. If You withhold any Document or thing, or portion thereof, in response to any of the requests set forth below on grounds of privilege or any other claim of immunity from discovery, then for each Document or portion thereof withheld, state the following:

- a. the type of Document (e.g., letter, memorandum, contract, etc.);
- b. its title;
- c. its date;
- d. its subject matter;
- e. the name, address, and employer at the time of preparation of the individual(s) who authored, drafted, or prepared it;
- f. the name, address, and employer at the time of dissemination of the individual(s) to whom it was directed, circulated, or copied, or who had access thereto; and
- g. the grounds on which the Document is being withheld (e.g., “attorney-client privilege,” “work product immunity,” etc.).

4. In the event that You object to any request on the ground that it is overbroad and/or unduly burdensome for any reason, respond to that request as narrowed to the least extent

necessary, in Your judgment, to render it not overbroad/unduly burdensome and state specifically the extent to which You have narrowed that request for purposes of Your response.

5. In the event that You object to any request on the ground that it is vague and/or ambiguous, identify the particular words, terms or phrases that are asserted to make such request vague and/or ambiguous and specify the meaning actually attributed to You by such words for purposes of Your response thereto.

6. If no Documents are responsive to a particular request, you are to state no responsive Documents exist.

7. All Documents produced by You in response to this Subpoena should include a production number.

8. You are to produce any purportedly privileged document containing non-privileged matter, with the purportedly privileged portion excised or redacted.

9. If any of the Documents requested herein are no longer in Your possession, custody, or control, You are requested to identify each such requested document by date, type of document, person(s) from whom sent, person(s) to whom sent, and person(s) receiving copies, and to provide a summary of its pertinent contents.

10. If any document responsive to these requests has been destroyed, describe the content of such document, the location of any copies of such document, the date of such destruction, and the name of the person who ordered or authorized such destruction.

11. If production of any document listed and described in this Attachment A is withheld on the basis of a claim of privilege, each withheld document shall be separately identified in a privileged document list. The privileged document list must identify each document separately, specifying for each document at least: (1) the date; (2) author(s)/sender(s);

(3) recipient(s), including copy recipients; and (4) general subject matter of the document. The sender(s) and recipients(s) shall be identified by position and entity (corporation or firm, etc.) with which they are employed or associated. If the sender or the recipient is an attorney, he or she shall be so identified. The type of privilege claimed must also be stated, together with a certification that all elements of the claimed privilege have been met and have not been waived with respect to each document. If the privilege applies to only a portion of the document, produce all portions of the document to which the claim does not apply.

12. If any requested Documents or information qualify as CONFIDENTIAL Information under the governing Protective Order signed by E.D. Texas District Judge Jordan in this action (Dkt. 26), such Documents or information shall be produced and appropriately handled by all parties according to the terms of the Court's governing Order (attached as Exhibit 2).

REQUESTS FOR PRODUCTION

REQUEST NO. 1:

Documents sufficient to show the structure, function, and operation of each DIGITAL MOBILE WITNESS Video Recorder Product including, but not limited to, the camera, the memory configuration, the memory management, how videos are preserved in memory and

- the “pre-event recording” as described in “Digital Mobile Witness recording system” by Craig Peterson, Law Enforcement Technology, p. 134, September 2003 (attached as Exhibit 1); and
- the ability to download data “to other storage media” as described in Exhibit 1.

REQUEST NO. 2:

Documents sufficient to show sales or offers for sale in the United States of each DIGITAL MOBILE WITNESS Video Recorder Product prior to:

- August 31, 2005;
- November 30, 2005,
- June 29, 2006; and
- August 28, 2006.

REQUEST NO. 3:

Documents sufficient to show public use(s) in the United States of each DIGITAL MOBILE WITNESS Video Recorder Product prior to:

- August 31, 2005;
- November 30, 2005,
- June 29, 2006; and

- August 28, 2006.

REQUEST NO. 4:

Representative press releases, trade show materials, public product announcements, videos, and other publications describing each DIGITAL MOBILE WITNESS Video Recorder Product and dated prior to:

- August 31, 2005;
- November 30, 2005,
- June 29, 2006; and
- August 28, 2006.

REQUEST NO. 5:

Representative user manuals, installation manuals, data sheets, and specifications for each DIGITAL MOBILE WITNESS Video Recorder Product and dated prior to:

- August 31, 2005;
- November 30, 2005,
- June 29, 2006; and
- August 28, 2006.

REQUEST NO. 6:

Source code from prior to August 28, 2007, for each version of the DIGITAL MOBILE WITNESS Video Recorder Product.

REQUEST NO. 7:

For inspection, a physical sample from prior to August 28, 2007, of each version of the DIGITAL MOBILE WITNESS Video Recorder Product.

REQUEST NO. 8:

Documents sufficient to show the structure, function, and operation of each DUAL VISION Video Recorder Product including, but not limited to, the camera, the memory configuration, the memory management, and how videos are preserved in memory.

REQUEST NO. 9:

Documents sufficient to show sales or offers for sale in the United States of each DUAL VISION Video Recorder Product prior to:

- August 31, 2005;
- November 30, 2005,
- June 29, 2006; and
- August 28, 2006.

REQUEST NO. 10:

Documents sufficient to show public use(s) in the United States of each DUAL VISION Video Recorder Product prior to:

- August 31, 2005;
- November 30, 2005,
- June 29, 2006; and
- August 28, 2006.

REQUEST NO. 11:

Representative press releases, trade show materials, public product announcements, videos, and other publications describing each DUAL VISION Video Recorder Product and dated prior to:

- August 31, 2005;

- November 30, 2005,
- June 29, 2006; and
- August 28, 2006.

REQUEST NO. 12:

Representative user manuals, installation manuals, data sheets, and specifications for each DUAL VISION Video Recorder Product and dated prior to:

- August 31, 2005;
- November 30, 2005,
- June 29, 2006; and
- August 28, 2006.

REQUEST NO. 13:

Source code from prior to August 28, 2007, for each version of the DUAL VISION Video Recorder Product.

REQUEST NO. 14:

For inspection, a physical sample from prior to August 28, 2007, of each version of the DUAL VISION Video Recorder Product.

REQUEST NO. 15:

Documents sufficient to show the structure, function, and operation of each INFINITY Video Recorder Product including, but not limited to, the camera, the memory configuration, the memory management, and how videos are preserved in memory.

REQUEST NO. 16:

Documents sufficient to show sales or offers for sale in the United States of each INFINITY Video Recorder Product prior to:

- August 31, 2005;
- November 30, 2005,
- June 29, 2006; and
- August 28, 2006.

REQUEST NO. 17:

Documents sufficient to show public use(s) in the United States of each INFINITY Video Recorder Product prior to:

- August 31, 2005;
- November 30, 2005,
- June 29, 2006; and
- August 28, 2006.

REQUEST NO. 18:

Representative press releases, trade show materials, public product announcements, videos, and other publications describing each INFINITY Video Recorder Product and dated prior to:

- August 31, 2005;
- November 30, 2005,
- June 29, 2006; and
- August 28, 2006.

REQUEST NO. 19:

Representative user manuals, installation manuals, data sheets, and specifications for each INFINITY Video Recorder Product and dated prior to:

- August 31, 2005;

- November 30, 2005,
- June 29, 2006; and
- August 28, 2006.

REQUEST NO. 20:

Source code from prior to August 28, 2007, for each version of the INFINITY Video Recorder Product.

REQUEST NO. 21:

For inspection, a physical sample from prior to August 28, 2007, of each version of the INFINITY Video Recorder Product.

DEPOSITION TOPICS:

TOPIC NO. 1: The structure, function, and operation of each DIGITAL MOBILE WITNESS Video Recorder Product including, but not limited to, the camera, the memory configuration, the memory management, how videos are preserved in memory and

- the “pre-event recording” as described in “Digital Mobile Witness recording system” by Craig Peterson, Law Enforcement Technology, p. 134, September 2003 (attached as Exhibit 1); and
- the ability to download data “to other storage media” as described in Exhibit 1.

TOPIC NO. 2: Sales or offers for sale in the United States of each DIGITAL MOBILE WITNESS Video Recorder Product prior to: August 31, 2005; November 30, 2005; June 29, 2006; and August 28, 2006.

TOPIC NO. 3: Public use(s) in the United States of each DIGITAL MOBILE WITNESS Video Recorder Product prior to: August 31, 2005; November 30, 2005; June 29, 2006; and August 28, 2006.

TOPIC NO. 4: Representative press releases, trade show materials, public product announcements, videos, and other publications describing each DIGITAL MOBILE WITNESS Video Recorder Product and dated prior to: August 31, 2005; November 30, 2005; June 29, 2006; and August 28, 2006.

TOPIC NO. 5: Source code from prior to August 28, 2007, for each version of the DIGITAL MOBILE WITNESS Video Recorder Product.

TOPIC NO. 6: The existence, structure, function, and operation of physical samples from prior to August 28, 2007, of each version of the DIGITAL MOBILE WITNESS Video Recorder Product.

TOPIC NO. 7: The structure, function, and operation of each DUAL VISION Video Recorder Product including, but not limited to, the camera, the memory configuration, the memory management, and how videos are preserved in memory.

TOPIC NO. 8: Sales or offers for sale in the United States of each DUAL VISION Video Recorder Product prior to: August 31, 2005; November 30, 2005; June 29, 2006; and August 28, 2006.

TOPIC NO. 9: Public use(s) in the United States of each DUAL VISION Video Recorder Product prior to: August 31, 2005; November 30, 2005; June 29, 2006; and August 28, 2006.

TOPIC NO. 10: Representative press releases, trade show materials, public product announcements, videos, and other publications describing each DUAL VISION Video Recorder Product and dated prior to: August 31, 2005; November 30, 2005; June 29, 2006; and August 28, 2006.

TOPIC NO. 11: Source code from prior to August 28, 2007, for each version of the DUAL VISION Video Recorder Product.

TOPIC NO. 12: The existence, structure, function, and operation of physical samples from prior to August 28, 2007, of each version of the DUAL VISION Video Recorder Product.

TOPIC NO. 13: The structure, function, and operation of each INFINITY Video Recorder Product including, but not limited to, the camera, the memory configuration, the memory management, and how videos are preserved in memory.

TOPIC NO. 14: Sales or offers for sale in the United States of each INFINITY Video Recorder Product prior to: August 31, 2005; November 30, 2005; June 29, 2006; and August 28, 2006.

TOPIC NO. 15: Public use(s) in the United States of each INFINITY Video Recorder Product prior to: August 31, 2005; November 30, 2005; June 29, 2006; and August 28, 2006.

TOPIC NO. 16: Representative press releases, trade show materials, public product announcements, videos, and other publications describing each INFINITY Video Recorder Product and dated prior to: August 31, 2005; November 30, 2005; June 29, 2006; and August 28, 2006.

TOPIC NO. 17: Source code from prior to August 28, 2007, for each version of the INFINITY Video Recorder Product.

TOPIC NO. 18: The existence, structure, function, and operation of physical samples from prior to August 28, 2007, of each version of the INFINITY Video Recorder Product.

EXHIBIT 1

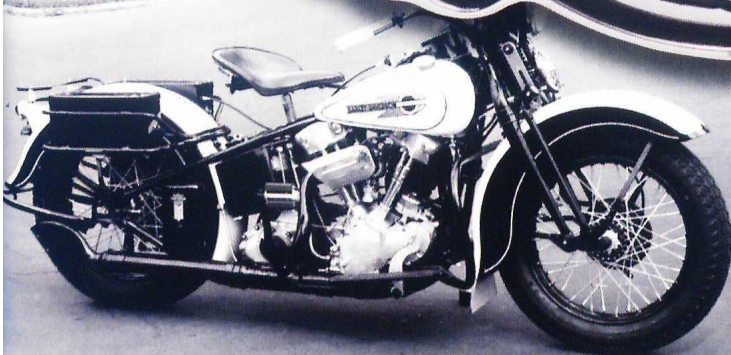
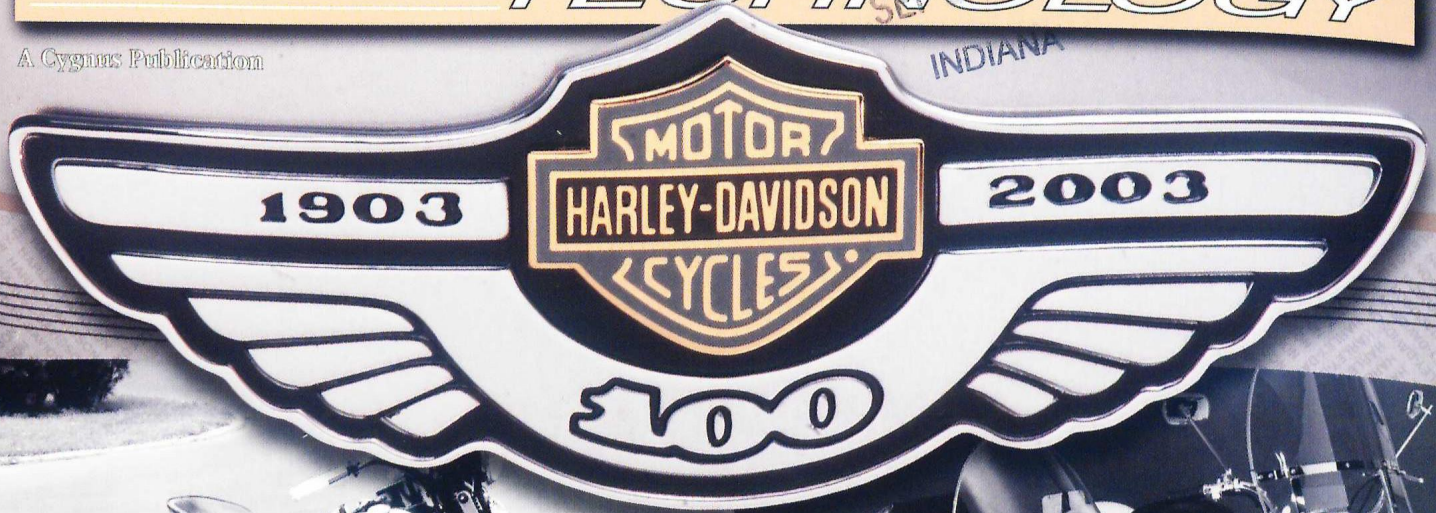
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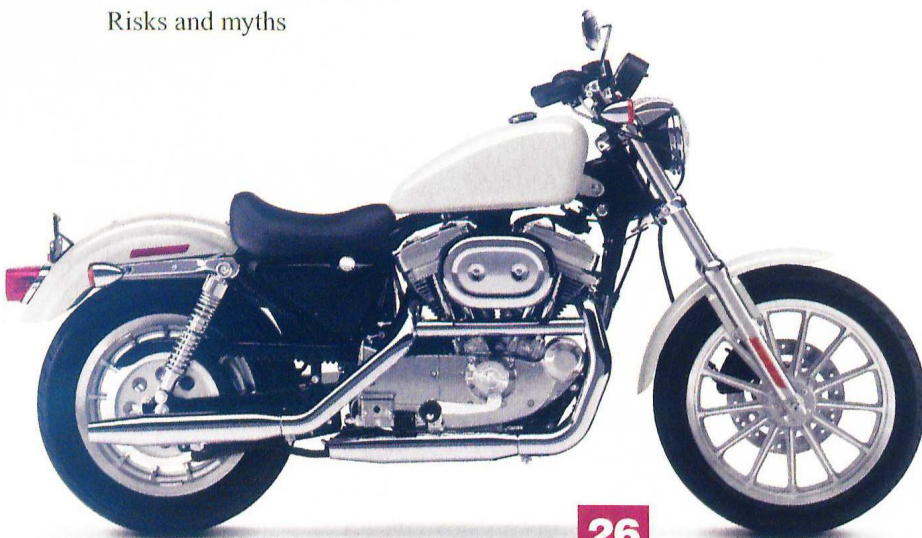
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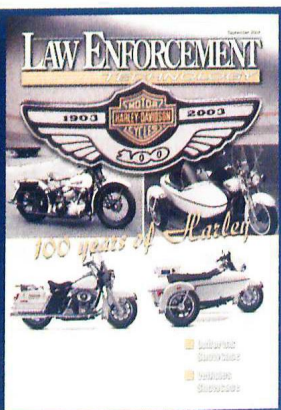
Roadside checkpoints and crime control



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COVER:

Images courtesy of Harley-Davidson



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LAW ENFORCEMENT
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Digital Mobile Witness recording system

A 4.25-inch color monitor can be linked to as many as four miniature Sony industrial cameras. The auto-zoom feature captures the plate then reverts to wide angle to record the action. Automatic pre- and post-event image capture is one of the advantages of digital recording systems.



Although videotape remains the industry-standard medium for mobile recording systems, the Digital Age is at hand. The T.A.W. Digital Mobile Witness, from T.A.W. Security Concepts, located in Wheat Ridge, Colorado, is a dedicated processor with an application-specific, Unix-based real-time operating system and removable 120-gigabyte hard drive. The combination is able to record up to 45 hours of full-motion, 30 frame-per-second audio and video.

The absence of videotape means there are almost no moving parts to break and no tapes to archive. Data security is ensured by T.A.W.'s proprietary "hybrid wavelet" file format. Unlike the JPEG or AVI files common to PCs that can be manipulated at will, T.A.W.'s algorithm embeds a reference number on each frame recorded. When the data are downloaded, the same algorithm again reads the frame number and compares it to the original. If the two differ by

even a single pixel, the system refuses to display an image, leaving the operator staring at a blank monitor.

Catching the pre- and post-event action

Use of digital imaging affords some tantalizing capabilities. Key

The unit records in a continuous loop, capturing 4.25 minutes of action before and after an event.

among them are pre- and post-event recording. In essence, the unit records in a continuous loop, capturing 4.25 minutes of action before and after an

event. Once the system has been triggered, either manually by activation of the emergency lights or by the officer switching on the belt-worn wireless microphone, the previous 4-plus minutes are captured. The same amount of images will be captured after the system is switched off.

The implications are obvious. Say an officer is en route to a call and gets in a traffic accident. With a conventional system, if he isn't running Code 3, the tape probably won't be rolling. It'll be up to the lawyers and court to sort out who's at fault. But a system such as the T.A.W. will have recorded the previous 4.25 minutes, capturing the events leading up to the accident. If equipped with the optional Radar Interface/Vehicle Status Overlay, the T.A.W. will also have recorded the status of up to eight vehicle parameters including patrol speed, brake-light and turn-signal activation, emergency lights and siren, even GPS coordinates and airbag deployment.

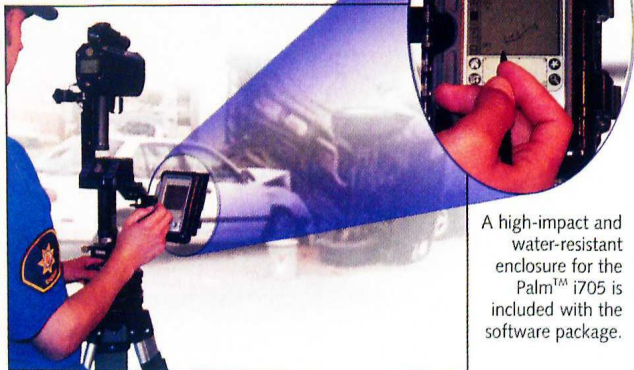
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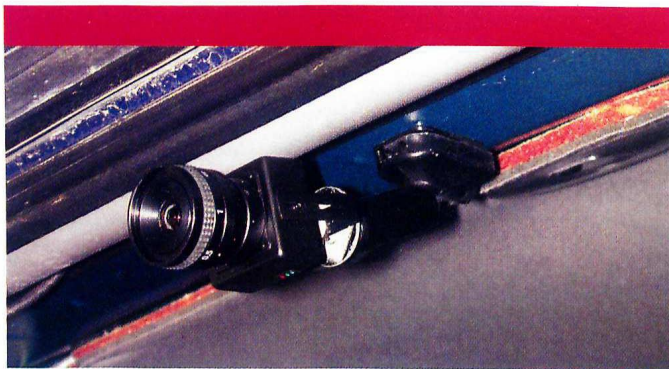
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IMAGING TECHNOLOGY



(Above) The Sony industrial-grade, high-resolution camera has digital zoom and is light enough to be mounted from an existing headliner screw in the police Ford Expedition test vehicle. It proved to be unaffected by windshield tint, although that also made it invisible from outside the vehicle.



(Right) A rearward-facing camera was mounted on the vehicle headliner looking through the tailgate glass. Like the front camera, tinted glass obscured it from inquisitive eyes.

The computer can be programmed to simultaneously record images from up to four cameras and four audio sources, the latter including a wireless microphone on the officer. And due to its digital format, images are superior. While VHS images have approximately 240 horizontal TV lines of resolution, the T.A.W. system delivers 400.

More importantly, the images can easily be enhanced. At T.A.W.'s plant in suburban Denver, I viewed on a PC monitor the image of a license plate, which, taken at night, was washed-out and unreadable because of headlight glare. Then I watched as Vice President Charles Kirmuss used image-enhancement software called Paragon Enhance-Pro to peel away layers of glare and reveal the plate number with a few clicks of the mouse. The process took less than a minute.

Digitized images offer other advantages. Once downloaded and converted to a conventional file format such as AVI or MPEG, they can be sent as e-mail attachments or burned onto a CD. Such versatility will likely endear digital technology to those accustomed to enduring the practical limitations of videotape. For example, say an officer has made a DUI arrest and returns with the prisoner to the station. After taking out the hard drive from the vault in the vehicle, he can load the image to T.A.W.'s desktop workstation for viewing. Marking the desired in and out points with the mouse, he'll download the needed files. Back with the suspect, video camera switched on, he can administer a sobriety test and capture these images and audio on the same CD or storage device as that taken from the car. Breath test results can be overlaid and recorded as well.

Locating the images, archiving the files

With an incident number automatically embedded on the

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file, any authorized person in the system — from supervisor to prosecutor — can quickly retrieve the images. Instead of having to laboriously search through multiple videotape cassettes generated by the stop, sobriety test and booking, the viewer is instantly taken to the key files, consolidated on one CD, by entering the incident number. And because the files are tamper-proof, chain-of-custody concerns are unlikely to be an issue.

A point to remember is that like other digital systems, the T.A.W. mobile recorder requires using the company's proprietary PC-based workstation, an additional expense. And officers familiar with operating a VCR may be in for a shock when faced with using a computer-based data retrieval system.

One key advantage of the digital format lies in its archiving images efficiency: a comparative handful of hard drives can replace a mountain of videotapes. Instead of removing videotapes after each shift, there's enough capacity that the hard drive may require downloading perhaps only weekly or monthly, depending upon the number of hours the system is used. This could free an administrator to perform other tasks instead of spending the day shuffling tapes and filling out logs.

The data can also be downloaded to other storage media, including a RAID 5 mass-storage device. Eric Shuey, Traffic Section administrative officer and point man in San Antonio (Texas) Police Department's evaluation of the system, found an alternative storage solution he likes even better. "We've been downloading to our mainframe since it's got almost unlimited capacity," he says.

Shuey admits to being a convert to digital recording. "I like the lack of mechanical moving parts in the system," he notes. "We've been using heavy-duty, commercial-grade VHS-format VCRs and, while they've been fairly reliable, we still manage to break quite a few of them."

For Shuey, an attraction of the T.A.W. system is its pre-event recording feature. "We had a motor officer hit and killed in February," he recalls. "If we'd had this unit, we'd have had a much better idea of what happened, rather than having to depend on what some witnesses think they saw."

Downsized packaging, alternate applications

The T.A.W. unit will fit onto a motorcycle as well. A smaller hard drive is used, and its downsized vault is small enough to fit inside a waterproof case mounted on the rear of the motorcycle. Depending upon the motorcycle's configuration, there may also be room available inside a hard-sided storage area.

This type of application comes with a smaller, 2.5-inch-diameter color monitor. It is housed in an unexpectedly heavy enclosure. When I was handed a demo unit, it promptly escaped my grasp and ricocheted off the concrete floor. "It's heavy because we make it from solid billet aluminum," explains Kirmuss. "You'd have to hit it a lot harder than that to do any damage."

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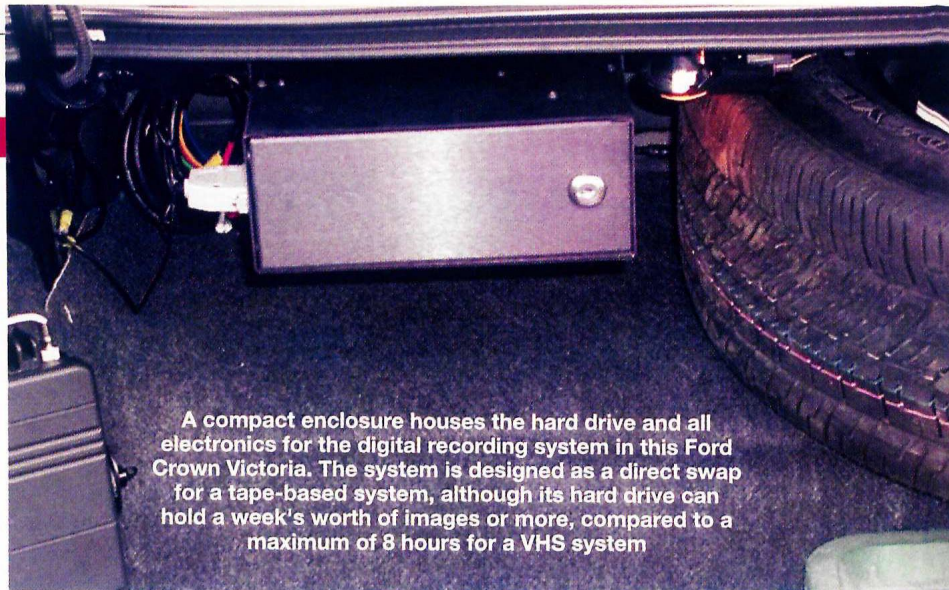
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IMAGING TECHNOLOGY

For motor duty the camera is affixed to a special vibration-damping mount, which, assisted by a very fast shutter speed, allows it to produce unusually steady images even while being flogged over trackless off-road terrain. I reviewed footage recorded from a street-driven Colorado State Patrol Harley-Davidson and found it to be of equally high quality.

Installed in a vehicle, there are few visual tip-offs that the system is anything special. There's a 4-inch TFT color monitor linked to a remotely mounted steel case, almost indistinguishable from a typical VCR vault, that contains the hard drive and electronics. It's both heated and cooled electrically to stabilize operating temperatures.

Optional is a tamper-proof version of this mini-camera encased in a robust metal housing. It's significantly



A compact enclosure houses the hard drive and all electronics for the digital recording system in this Ford Crown Victoria. The system is designed as a direct swap for a tape-based system, although its hard drive can hold a week's worth of images or more, compared to a maximum of 8 hours for a VHS system

heavier than the other camera, necessitating a more substantial mounting arrangement, but it's a set-and-forget, full-auto unit that can't be adjusted, deliberately or otherwise. Also optional is a wireless camera allowing images to be transmitted via RF link to the vehicle-mounted recording unit.

The base system doesn't permit an in-car review of recorded images; it

requires an optional keypad with conventional playback and rewind buttons. A vehicle's Windows-compatible MDT or laptop can also handle these functions, reducing cockpit clutter and simplifying the installation process as well.

Installing the system

I was intrigued enough by this hardware to request a demo unit for an extended evaluation. Although the vendor offered to install the system, I elected to go it alone, to better to judge the system's ease of installation compared to a conventional videotape system, several of which I've installed over the past decade in a variety of police vehicles.

I'd call the installation relatively straightforward but with a few caveats. For example, the monitor and keyboard on my early production unit were linked to the hard drive by a 50-conductor shielded cable, ending with an enormous DB-50 computer connector. The fat cable resisted efforts to conform it to the contours of the vehicle interior just as the bulky connector proved difficult to route through bulkheads or under carpeting. In the months since my installation T.A.W. has initiated a redesign of the wiring system to simplify the task.

The vault can be mounted anywhere and isn't fussy about orientation. I placed mine under the Ford Expedition's rear seat, although had the vehicle been equipped with a cage, I'd have chosen to mount it vertically on the front of the cage, between the front seats. Mindful of

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A tiny T.A.W. digital camera is mounted on a crash bar above the radar antenna on this Colorado State Patrol Harley-Davidson. Extensive vibration tests led to the development of shock-resistant mountings, enabling the camera to absorb high-G impacts without damage while delivering clear, steady images.

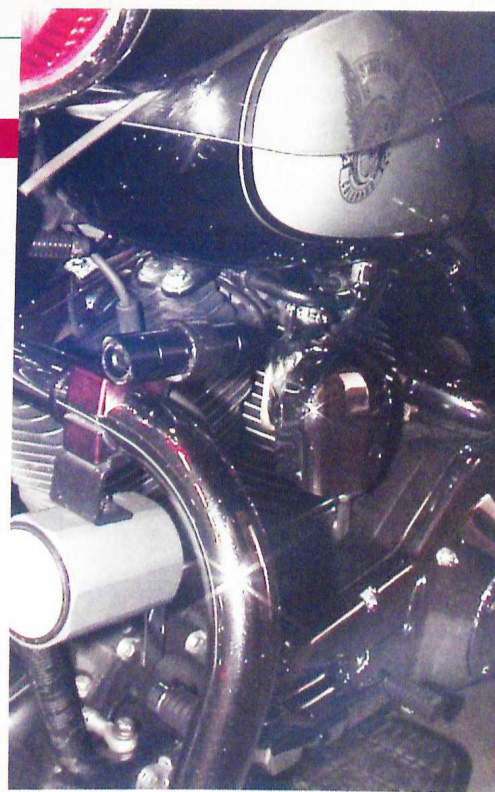
chain-of-custody issues, the vault features redundant locks and is secured with tamper-proof bolts. I can attest that once installed, a thief would probably conclude that stealing the vehicle would be the quickest method of getting hold of the recording system.

Mounting the cameras was a snap. Since I had chosen the lightweight version, installation was effected by simply removing one screw from the center of the windshield header trim, running it through the mounting bail and reinstalling it. Total elapsed time: about 2 minutes. Installation of the rear camera was equally simple. Routing coaxial cables required the same amount of time as would any tape-based system.

Life on the road: VHS vs. digital

On the road, the T.A.W. system acts much like a traditional VCR-based unit. Mine was equipped with a momentary-on button to control the camera's 3x digital zoom. Pressed down, it goes to full zoom; once released, it returns to wide angle. The zoom function can also be controlled by using a relay that's triggered when the vehicle is shifted into park during a traffic stop, capturing the plate on zoom-in, then returning to wide angle to record the action.

In my months of living with the system, I noticed only one possible negative: the image resolution available when viewed in real-time. I'm



not referring here to playback; once recorded, the images have stunning resolution, far beyond that of VHS, especially in ultra-low light

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IMAGING TECHNOLOGY

conditions. When using the basic mini-camera, even fully zoomed-in on a plate, perhaps one car-length ahead, I couldn't make out the numbers. My assumption is that the software is biased in favor of playback resolution, giving up some clarity in preview mode to conserve system resources. This is a small point and of no consequence if the system is fitted with the playback controls or when interfaced with a laptop or MDT.

It's even more of a non-issue if an optional camera supplants the mini-cam. At T.A.W.'s offices I watched in amazement as a 220x-zoom camera easily read a product barcode from a box sitting on the other side of a dimly lit warehouse, a remarkable performance. (A 120x-zoom camera is also being evaluated.) Either of the high-powered cameras would be ideal for surveillance applications.

Also useful for surveillance is the system's capacity to record from up to four cameras at once, their images displayed simultaneously in split-screen format on the monitor. Equally attractive is a new Video Transponder Box, which transmits the images over CDMA and CDPD cellular telephone systems. Now a supervisor at the station will be able to, for example, view a pursuit in real time. Forget about having the dispatcher ask the officer running primary if things perhaps are getting a little hairy. Now the supervisor can judge if it's time to break off a pursuit before events get out of hand.

It's too soon to know whether a digital system's hard drive will prove to be cop-proof and how well officers will make the transition to computer-based imaging. Priced comparably to a conventional videotape system, with the added versatility and advantages

of digital recording technology, I'll not be shocked to see a slow, steady migration from recording analog images on tape to capturing and storing them on computer hard drives, all in a format of ones and zeros. ■

Craig Peterson is a Phoenix-based freelance writer specializing in law enforcement technology, EVOC driver training and vehicles. He has been a regular contributor to U.S. law enforcement magazines since 1990.

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EXHIBIT 2

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

STELLAR, LLC	§	
	§	
v.	§	CIVIL NO. 4:23-CV-750-SDJ
	§	
MOTOROLA SOLUTIONS, INC.,	§	
ET AL.	§	

PROTECTIVE ORDER

IT IS HEREBY STIPULATED AND AGREED, pursuant to Rule 26(c) of the Federal Rules of Civil Procedure and subject to the approval of the Court, by and between the parties and by their respective undersigned counsel, that this Stipulation and Order shall govern the handling of documents, depositions, deposition exhibits, interrogatory responses, admissions, and any other information produced, given, or exchanged by and among the parties and any non-parties to the above-captioned action.

Accordingly, based upon the agreement of the parties, IT IS HEREBY ORDERED pursuant to Rule 26(c) of the Federal Rules of Civil Procedure that the following Procedures shall be adopted for the protection of confidential and proprietary information:

**PROCEDURES FOR PROTECTION OF CONFIDENTIAL
AND PROPRIETARY INFORMATION**

1. DEFINITIONS

1.1 Challenging Party: a Party or Non-Party that challenges the designation of information or items under this Order.

1.2 “CONFIDENTIAL” Information or Items: information (regardless of how it is generated, stored or maintained) or tangible things that qualify for protection under Federal Rule of Civil Procedure 26(c).

1.3 Counsel (without qualifier): Outside Counsel of Record (as well as their support staff).

1.4 Designating Party: a Party or Non-Party that designates information or items that it produces in disclosures or in responses to discovery as “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” or “HIGHLY CONFIDENTIAL – SOURCE CODE.”

1.5 Disclosure or Discovery Material: all items or information, regardless of the medium or manner in which it is generated, stored, or maintained (including, among other things, testimony, transcripts, and tangible things), that are produced or generated in disclosures or responses to discovery in the above-captioned action.

1.6 Expert: a person with specialized knowledge or experience in a matter pertinent to the respective litigations who (1) has been retained by a Party or its counsel to serve as an expert witness or as a consultant in the above-captioned action, (2) is not a current employee of a Party or of a Party’s competitor, and (3) at the time of retention, is not anticipated to become an employee of a Party or of a Party’s competitor.

1.7 “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” Information or Items: extremely sensitive “CONFIDENTIAL Information or Items,”

disclosure of which to another Party or Non-Party would create a substantial risk of serious harm that could not be avoided by less restrictive means.

1.8 “HIGHLY CONFIDENTIAL – SOURCE CODE” Information or Items: extremely sensitive “CONFIDENTIAL Information or Items” representing computer source code (i.e., computer instructions and data definitions expressed in a form suitable for input to an assembler, compiler or other translator) and associated comments and revision histories, disclosure of which to another Party or Non-Party would create a substantial risk of serious harm that could not be avoided by less restrictive means. Source code includes, but is not limited to, files in programming languages such as C++, Java, and Flash. For the avoidance of doubt, the Producing Party may designate as source code make files, link files, algorithms, pseudocode, and other human-readable files used in the generation, building or compiling of software or firmware.

1.9 In-House Counsel: attorneys who are employees of a Party in the above-captioned action. In-House Counsel does not include Outside Counsel of Record or any other outside counsel.

1.10 Non-Party: any natural person, partnership, corporation, association, or other legal entity not named as a Party to an above-captioned action in question.

1.11 Outside Counsel of Record: attorneys who are not employees of a Party to an above-captioned action but are retained to represent or advise a Party to that action and have appeared in the action on behalf of that Party or are affiliated with a law firm which has appeared on behalf of that Party.

1.12 Party: a party to the above-captioned action, including all of its officers, directors, employees, consultants, retained experts, and Outside Counsel of Record (and their support staffs).

1.13 Producing Party: a Party or Non-Party that produces Disclosure or Discovery Material in an above-captioned action.

1.14 Professional Vendors: persons or entities that provide litigation support services (e.g., photocopying, videotaping, translating, preparing exhibits or demonstrations, and organizing, storing, or retrieving data in any form or medium) and their employees and subcontractors.

1.15 Protected Material: any Disclosure or Discovery Material that is designated as “CONFIDENTIAL,” or as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY,” or as “HIGHLY CONFIDENTIAL – SOURCE CODE.”

1.16 Receiving Party: a Party that receives Disclosure or Discovery Material from a Producing Party.

1.17 Relevant Technology: any device, product, apparatus, system, method, service or process which pertains to the field of the invention of the patents-in-suit, including, but not limited to, digital recorders and cameras.

2. SCOPE

The protections conferred by this Stipulation and Order cover not only Protected Material (as defined above), but also (1) any information copied or extracted from Protected Material; (2) all copies, excerpts, summaries, or compilations of Protected Material; and (3) any testimony, conversations, or

presentations by Parties or their Counsel that might reveal Protected Material. However, the protections conferred by this Stipulation and Order do not cover the following information: (a) any information that is in the public domain at the time of disclosure to a Receiving Party or becomes part of the public domain after its disclosure to a Receiving Party as a result of publication not involving a violation of this Order, including becoming part of the public record through trial or otherwise; and (b) any information known to the Receiving Party prior to the disclosure or obtained by the Receiving Party after the disclosure from a source who obtained the information lawfully and under no obligation of confidentiality to the Designating Party.

For clarity, nothing herein shall affect the right of the Designating Party to disclose to its officers, directors, employees, attorneys, consultants or Experts, or to any other person, its own information. Such disclosure shall not waive the protections of this Protective Order and shall not entitle other Parties or their attorneys to disclose such information in violation of it, unless by such disclosure of the Designating Party the information becomes public knowledge. Similarly, the Protective Order shall not preclude a Party from showing its own information to its officers, directors, employees, attorneys, consultants or experts, or to any other person, which information has been filed under seal by another Party.

Any use of Protected Material at trial shall be governed by a separate agreement or order.

3. **DURATION**

Even after final disposition of the above-captioned action, the confidentiality obligations imposed by this Order shall remain in effect until a Designating Party agrees otherwise in writing or a court order otherwise directs. Final disposition shall be deemed to be the later of (1) dismissal of all claims and defenses in an action, with or without prejudice; and (2) final judgment herein after the completion and exhaustion of all appeals, rehearings, remands, trials, or reviews of that action, including the time limits for filing any motions or applications for extension of time pursuant to applicable law.

4. **DESIGNATING PROTECTED MATERIAL**

4.1 **Exercise of Restraint and Care in Designating Material for Protection.**

Each Party or Non-Party that designates information or items for protection under this Order must take care to limit any such designation to material that qualifies under the appropriate standards.

If it comes to a Designating Party's attention that information or items that it designated for protection do not qualify for protection at all or do not qualify for the level of protection initially asserted, that Designating Party must promptly notify all other Parties that it is withdrawing the mistaken designation.

4.2 **Manner and Timing of Designations.** Except as otherwise provided in this Order (see, e.g., second paragraph of section 4.2(a) below), or as otherwise stipulated or ordered, Disclosure or Discovery Material that qualifies for protection

under this Order must be clearly so designated before the material is disclosed or produced.

Designation in conformity with this Order requires:

(a) for information in documentary form (e.g., paper or electronic documents, but excluding transcripts of depositions or other pretrial or trial proceedings), that the Producing Party affix the legend “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” or “HIGHLY CONFIDENTIAL – SOURCE CODE” to each page that contains protected material.

A Party or Non-Party that makes original documents or materials available for inspection need not designate them for protection until after the inspecting Party has indicated which material it would like copied and produced. During the inspection and before the designation, all of the material made available for inspection shall be deemed “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.” After the inspecting Party has identified the documents it wants copied and produced, the Producing Party must determine which documents, or portions thereof, qualify for protection under this Order. Then, before producing the specified documents, the Producing Party must affix the appropriate legend (“CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” or “HIGHLY CONFIDENTIAL – SOURCE CODE) to each page that contains Protected Material.

(b) for testimony given in deposition or in other pretrial or trial proceedings, a Party may, at the deposition or other pretrial or trial proceeding or

within five (5) days after receipt of a final transcript, designate the transcript or any portion thereof as “CONFIDENTIAL,” “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY,” or “HIGHLY CONFIDENTIAL – SOURCE CODE” pursuant to this Order. Access to the transcript so designated shall be limited in accordance with the terms of this Order. Until expiration of the 5-day period, the entire transcript shall be treated as HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.

Transcripts containing Protected Material shall have an obvious legend on the title page that the transcript contains Protected Material. The Designating Party shall inform the court reporter of these requirements.

(c) for information produced in some form other than documentary and for any other tangible items, that the Producing Party affix in a prominent place on the exterior of the container or containers in which the information or item is stored the legend “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” or “HIGHLY CONFIDENTIAL – SOURCE CODE”.

4.3 Inadvertent Failures to Designate. If timely corrected after recognition by a Producing Party of an inadvertent failure to designate, an inadvertent failure to designate qualified information or items does not, standing alone, waive the Producing Party’s right to secure protection under this Order for such material. Upon timely correction of a designation after recognition by a Producing Party, the Receiving Party must make reasonable efforts to assure that the material is treated in accordance with the provisions of this Order.

4.4 Right to Seek Additional Protections. This Order is entered without prejudice to the right of any Party to seek additional protections from the Court as may be necessary under particular circumstances.

5. CHALLENGING CONFIDENTIALITY DESIGNATIONS

5.1 Timing of Challenges. Any Party or Non-Party may challenge a designation of confidentiality at any time. Unless a prompt challenge to a Designating Party's confidentiality designation is necessary to avoid foreseeable, substantial unfairness, unnecessary economic burdens, or a significant disruption or delay of the litigation, a Party does not waive its right to challenge a confidentiality designation by electing not to mount a challenge promptly after the original designation is disclosed.

5.2 Meet and Confer. The Challenging Party shall initiate the dispute resolution process by providing written notice of each designation it is challenging and describing the basis for each challenge. A Challenging Party may proceed to the next stage of the challenge process only if it has engaged in this meet and confer process first or establishes that the Designating Party is unwilling to participate in the meet and confer process in a timely manner.

5.3 Judicial Intervention. If the Parties cannot resolve a challenge without Court intervention, the Challenging Party shall contact the Court within ten (10) days of the parties agreeing that the meet and confer process will not resolve their dispute. Failure by the Challenging Party to contact the Court within ten (10) days shall automatically waive a challenge to the confidentiality

designation for each challenged designation. Pending the Court's determination of any motion, the designation of the Designating Party shall be maintained.

The burden of persuasion in any such challenge proceeding shall be on the Designating Party.

6. ACCESS TO AND USE OF PROTECTED MATERIAL

6.1 Basic Principles. Absent further Order from the Court, the Receiving Party may use Protected Material that is disclosed or produced by another Party or by a Non-Party in connection with the above-captioned action only. Such Protected Material may be disclosed only to the categories of persons and under the conditions described in this Order. When the litigation has been terminated, a Receiving Party must comply with the provisions of section 14 below (FINAL DISPOSITION).

Protected Material must be stored and maintained by a Receiving Party at a location and in a secure manner that ensures that access is limited to the persons authorized under this Order.

6.2 Disclosure of "CONFIDENTIAL" Information or Items. Unless otherwise ordered by the Court or permitted in writing by the Designating Party, a Receiving Party may disclose any information or item designated "CONFIDENTIAL" only to:

(a) the Receiving Party's Outside Counsel of Record in the above-captioned action, as well as employees of said Outside Counsel of Record to whom it is reasonably necessary to disclose the information to assist with the above-captioned action;

(b) In-House Counsel of the Receiving Party who either have responsibility for making decisions dealing directly with the above-captioned action, or who are assisting outside counsel in the above-captioned action.

(c) up to three (3) current officers, directors, or employees of the Receiving Party to whom disclosure is reasonably necessary for the above captioned action, following identification of such individual to each of the other parties and approval by the other parties, such approval not to be unreasonably delayed or withheld, and who have signed the “Acknowledgment and Agreement to Be Bound” (Exhibit A);

(d) Experts (as defined in this Order) of the Receiving Party (1) to whom disclosure is reasonably necessary for the litigation, (2) who have signed the “Acknowledgment and Agreement to Be Bound” (Exhibit A), and (3) as to whom the procedures set forth in paragraph 6.5(a), below, have been followed;

(e) the Court and its personnel;

(f) court reporters and their staff, professional jury or trial consultants, and Professional Vendors to whom disclosure is reasonably necessary to assist in the litigation; and

(g) an author, signatory or prior recipient of the Designated Material, where such person shall be given access only to the specific document or information therein, or is employed by the Designating Party.

6.3 Disclosure of “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” Information or Items. Unless otherwise ordered by the Court or permitted

in writing by the Designating Party, a Receiving Party may disclose any information or item designated “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” only to:

(a) the Receiving Party’s Outside Counsel of Record in the above-captioned action, as well as employees of said Outside Counsel of Record to whom it is reasonably necessary to disclose the information to assist with the above-captioned action;

(b) Experts (as defined in this Order) of the Receiving Party (1) to whom disclosure is reasonably necessary for the litigation, (2) who have signed the “Acknowledgment and Agreement to Be Bound” (Exhibit A), and (3) as to whom the procedures set forth in paragraph 6.5(a), below, have been followed;

(c) the Court and its personnel;

(d) court reporters and their staff, professional jury or trial consultants, and Professional Vendors to whom disclosure is reasonably necessary to assist in the litigation; and

(e) the author, signatory or prior recipient of the Designated Material, where such person shall be given access only to the specific document or information therein, or is employed by the Designating Party.

6.4 Disclosure of “HIGHLY CONFIDENTIAL – SOURCE CODE” Information or Items. Unless otherwise ordered by the Court or permitted in writing by the Designating Party, a Receiving Party may disclose any information

or item designated “HIGHLY CONFIDENTIAL – SOURCE CODE” only to the following persons:

(a) the Receiving Party’s Outside Counsel of Record in the above-captioned action, as well as employees of such Outside Counsel of Record to whom it is reasonably necessary to disclose to assist with the above-captioned action;

(b) Experts (as defined in this Order) of the Receiving Party (1) to whom disclosure is reasonably necessary for the litigation, (2) who have signed the “Acknowledgment and Agreement to Be Bound” (Exhibit A), and (3) as to whom the procedures set forth in paragraph 6.5(a), below, have been followed;

(c) the Court and its personnel;

(d) court reporters and their staff, professional jury or trial consultants, and Professional Vendors to whom disclosure is reasonably necessary to assist in the litigation; and

(e) the author, signatory, or prior recipient of the Designated Material, where such person shall be given access only to the specific document or information therein, or is employed by the Designating Party.

6.5 Procedures for Approving or Objecting to Disclosure of “CONFIDENTIAL,” “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” or “HIGHLY CONFIDENTIAL – SOURCE CODE” Information or Items to Experts.

(a) Unless otherwise ordered by the Court or agreed to in writing by the Designating Party, a Receiving Party that seeks to disclose to an Expert (as defined in this Order) any information or item that has been designated

“CONFIDENTIAL,” “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY,” or “HIGHLY CONFIDENTIAL – SOURCE CODE” pursuant to paragraphs 6.2(d), 6.3(c) and 6.4(b) first must make a written request via e-mail to the Designating Party’s Outside Counsel of Record that (1) sets forth the full name of the Expert and the city and state of his or her primary residence, (2) attaches a copy of the Expert’s current resume, (3) identifies (by name and number of the case and location of court) any litigation in connection with which the Expert has offered expert testimony, including through a declaration, report, or testimony at a deposition or trial, during the preceding four years, and (4) provides a signed “Acknowledgment and Agreement to Be Bound” (Exhibit A). The Designating Party shall have ten (10) days after such notice is given to object in writing via e-mail to the request disclosing the Expert. Any such objection must set forth in reasonable detail the grounds on which it is based.

(b) A Receiving Party that makes a request and provides the information specified in the preceding respective paragraphs shall not disclose the subject Protected Material to the identified Expert until expiration of the 10-day notice period. If during the notice period the Designating Party serves an objection upon the Receiving Party desiring to disclose Protected Material to the Expert, there shall be no disclosure of Protected Material to such individual pending resolution of the objection.

(c) The Parties shall promptly confer and use good faith to try to resolve any objection. If the Parties are unable to resolve an objection, the

Designating Party shall then have fourteen (14) days after such objection is served to file a motion with the Court.

In any such proceeding, the Designating Party opposing disclosure to the Expert shall bear the burden of proving that the risk of harm that the disclosure would entail (under the safeguards proposed) outweighs the Receiving Party's need to disclose the Protected Material to its Expert.

6.6 It is understood that Outside Counsel of Record for a Party may give advice and opinions to his or her client based on his or her evaluation of information designated "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" or "HIGHLY CONFIDENTIAL – SOURCE CODE" which is provided from the opposing Party to such Outside Counsel of Record in the above-captioned action, provided that such rendering of advice and opinions shall not reveal the content of such information, other than in summary form, except by prior written agreement with counsel for the Producing Party.

7. PROSECUTION BAR

7.1 Prosecution Bar. Individuals associated with a Receiving Party who personally review any technical HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY or HIGHLY CONFIDENTIAL – SOURCE CODE Material are prohibited from participating in an administrative proceeding for the examination and reexamination of a patent or patent application insofar as the participation involves input into the drafting, revising or amending of a patent claim related to the Relevant Technology, if such administrative proceeding (e.g., patent application

filing) was commenced less than two years following the final termination of this action (including any appeals). Individuals associated with a Receiving Party who personally review any technical HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY or HIGHLY CONFIDENTIAL – SOURCE CODE material are prohibited from participating in the prosecution of any patent application that claims priority to or is in the same family as any of the patents-in-suit. This prosecution bar does not prevent an individual from participating in a reexamination, *inter partes* review, or other post-grant review proceedings involving the patents-at-issue or patents related thereto, except that the individual is prohibited from participating in the drafting of any claim or amendment to any claim or portion of the specification and may not rely upon or use, directly or indirectly, the other Party’s technical HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY or HIGHLY CONFIDENTIAL – SOURCE CODE material in those proceedings.

8. **SOURCE CODE**

(a) To the extent production of source code becomes necessary in this case, a Producing Party may designate source code as “HIGHLY CONFIDENTIAL - SOURCE CODE” if it comprises or includes confidential, proprietary or trade secret source code. Production or designation of source code shall not be construed as a representation or admission by a party that source code is properly discoverable in this action, nor does the inclusion of source code as part of this agreement obligate any party to produce source code.

(b) Protected Material designated as “HIGHLY CONFIDENTIAL – SOURCE CODE” may be disclosed only to the individuals as set forth in Paragraph 6.4. The following additional restrictions shall apply to the inspection and production of HIGHLY CONFIDENTIAL - SOURCE CODE, unless otherwise advised by the Producing Party or otherwise Ordered by the Court:

(c) Any source code produced in discovery shall be made available for inspection, in electronic (e.g., native) format. The Producing Party shall produce source code for inspection in electronic (e.g., native) format at the office of its outside counsel or its vendors, or at another location agreed on by the parties. Any single reviewing session (conducted during one business day or during consecutive business days of review) shall be conducted during regular business hours (9:00 A.M. to 6:00 P.M. local time) on ten (10) days’ written notice for the first inspection and three (3) days’ written notice for subsequent inspections, or during such other hours as may be mutually and reasonably agreed upon on reasonable notice.

(d) Source code that is designated “HIGHLY CONFIDENTIAL – SOURCE CODE” shall be produced for inspection and review subject to the following provisions, unless otherwise agreed by the Producing Party:

(i) The source code shall be made available for inspection on a secured computer in a secured room without Internet access or network access to other computers (the “Source Code Computer”), and the Receiving Party shall not copy, remove, or otherwise transfer any portion of the source code onto any

recordable media or recordable device absent prior agreement of the Producing Party.

(ii) The electronic source code shall be produced as it is kept in the normal course of business, or as it would be collected in the normal course of business. The Receiving Party's Outside Counsel of Record and/or Experts shall be entitled to take handwritten notes relating to the source code. Such notes shall be labeled "HIGHLY CONFIDENTIAL – SOURCE CODE". The Receiving Party's Outside Counsel of Record and/or Experts shall be entitled to transcribe references to file names, routine names, and the like as necessary but otherwise shall not transcribe or otherwise copy any portion of the source code itself into his or her notes. Otherwise, no copies of all or any portion of the source code may leave the room in which the source code is inspected except as otherwise provided in this Protective Order. Further, no other written or electronic record of the source code is permitted except as otherwise provided in this Protective Order.

(iii) The source code provider shall provide a manifest of the contents of the computer to include a list of source code files available for review to the extent practicable.

(iv) The secured computer shall include software utilities which will allow counsel and experts to view and search the source code. At a minimum, these utilities must provide the ability to (a) view, search, and line-number any source file, and (b) search for a given pattern of text through a number of files.

(v) The Receiving Party may request printout of reasonable portions of source code. Requests of up to 300 pages source code total where any continuous block of source code does not exceed 10 pages shall be deemed reasonable. A text editor will be provided on the source code computer so that the list of files to be printed may be saved directly to the source code computer. To the extent the Receiving Party requests additional pages beyond the parameters set forth above, the parties shall confer in good faith. If the Producing Party objects that additional identified pages are not reasonably necessary, the Producing Party shall make such objection known to the Receiving Party within seven (7) days of the identification of any files by the Receiving party. If, after meeting and conferring, the Producing Party and the Receiving Party cannot resolve the objection, the Producing Party shall be entitled to seek a judicial resolution of whether or not the identified source code in question is reasonably necessary to any case preparation activity. At the request of the Receiving Party, in the absence of any objection the Producing Party shall provide within ten (10) days of such request, paper copies of the source code identified at the time of inspection by the Receiving Party. The Producing Party shall print, label such files with the file's complete path name, and append production numbers and the designation "HIGHLY CONFIDENTIAL – SOURCE CODE". The paper copies must be kept in a secured location at the offices of the Receiving Party's Outside Counsel of Record at all times. The Receiving Party may make no more than five additional paper copies of any portions of the source code files, not including copies attached to court filings or trial and hearing

demonstrative exhibits. The Receiving Party shall only make additional paper copies if such additional copies are (1) necessary to prepare court filings, pleadings, or other papers (including a testifying expert's expert report), or (2) necessary for deposition. The Receiving Party shall request printing of only such portions as are relevant to the claims and defenses in the case and are reasonably necessary for such purpose. Such printouts are to be of minimum 12-point, fixed-width font.

(vi) Except as provided in this Protective Order, no electronic copies of the electronic source code shall be made.

(vii) Unless otherwise agreed in advance by the parties in writing, the Receiving Party's Outside Counsel of Record and/or Experts shall remove all notes, documents, and all other materials from the source code viewing room that may contain work product and/or attorney-client privileged information at the end of each day. Materials inadvertently left in the source code viewing room do not operate as a waiver of the attorney work product doctrine or any other applicable privilege and shall be returned to the owner promptly. The Producing Party shall not be responsible for any items left in the source code viewing room.

(viii) Copies of source code that are marked as deposition exhibits shall not be provided to the court reporter or attached to deposition transcripts; rather, the deposition record will identify the exhibit by its production numbers and the Party that brought the source code to the deposition will keep possession of the marked deposition source code exhibit. If the deposition exhibit has been marked up or altered in any way by the deponent, the Receiving Party

shall store the exhibit in its marked form and provide one copy to outside counsel for the other Party.

(ix) Except as provided in this sub-paragraph, absent express written permission from the Producing Party, the Receiving Party and any persons receiving source code from Receiving Party may not create electronic images, or any other images, or make electronic copies, of the source code from any paper copy of source code for use in any manner (including by way of example only, the Receiving Party and any persons receiving source code from Receiving Party may not scan the source code to a PDF or photograph the code). A party may make and use snippets and images of the source code if necessary for court filings, expert reports, discovery responses and other similar documents. All such documents shall be clearly marked “HIGHLY CONFIDENTIAL – SOURCE CODE” and, if filed, shall be filed under seal. Unless agreed by the parties, images or copies of source code shall not be included in correspondence between the parties (references to production numbers shall be used instead).

1. PROTECTED MATERIAL SUBPOENAED OR ORDERED PRODUCED IN OTHER LITIGATION

If a Party is served with a subpoena or a court order issued in other litigation that compels disclosure of any information or items designated in this action as “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” or “HIGHLY CONFIDENTIAL – SOURCE CODE” that Party must:

(a) promptly notify in writing the Designating Party. Such notification shall include a copy of the subpoena or court order;

(b) promptly notify in writing the Party who caused the subpoena or order to issue in the other litigation that some or all of the material covered by the subpoena or order is subject to this Protective Order. Such notification shall include a copy of this Stipulated Protective Order; and

(c) cooperate with respect to all reasonable procedures sought to be pursued by the Designating Party whose Protected Material may be affected. If the Designating Party timely seeks a protective order, the Party served with the subpoena or court order shall not produce any information designated in this action as “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” or “HIGHLY CONFIDENTIAL – SOURCE CODE” before a determination by the Court from which the subpoena or order issued, unless the Party has obtained the Designating Party’s permission. The Designating Party shall bear the burden and expense of seeking protection in that Court of its confidential material—and nothing in these provisions should be construed as authorizing or encouraging a Receiving Party in this action to disobey a lawful directive from another Court.

10. A NON-PARTY’S PROTECTED MATERIAL SOUGHT TO BE PRODUCED IN THIS LITIGATION

(a) The terms of this Order are applicable to information produced by a Non-Party in an above-captioned action and designated as “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” or “HIGHLY CONFIDENTIAL – SOURCE CODE.” Such information produced by Non-Parties is protected by the remedies and relief provided by this Order. Nothing in these

provisions should be construed as prohibiting a Non-Party from seeking additional protections.

11. UNAUTHORIZED DISCLOSURE OF PROTECTED MATERIAL

If a Receiving Party learns that, by inadvertence or otherwise, it has disclosed Protected Material to any person or in any circumstance not authorized under this Stipulated Protective Order, the Receiving Party must immediately (a) notify in writing the Designating Party of the unauthorized disclosures, (b) use its best efforts to retrieve all unauthorized copies of the Protected Material, (c) inform the person or persons to whom unauthorized disclosures were made of all the terms of this Order, and (d) request such person or persons to execute the “Acknowledgment and Agreement to Be Bound” that is attached hereto as Exhibit A.

12. INADVERTENT PRODUCTION OF PRIVILEGED OR OTHERWISE PROTECTED MATERIAL

Pursuant to Federal Rule of Evidence 502, the inadvertent production or disclosure of any document or thing (including information and Protected Material) otherwise protected by the attorney-client privilege, work-product immunity, or other privilege or immunity shall not operate as a waiver of any such privilege or immunity. If any Receiving Party recognizes that any Producing Party (or Non-Party) may have inadvertently produced such protected information, it shall notify the Producing Party promptly, and follow such procedures as set forth in this Order. If, after recognizing that privileged information has been produced or disclosed (through notice by a Receiving Party or otherwise), the Producing Party who made

the inadvertent production or disclosure sends to each Receiving Party a written request for return of the inadvertently produced or disclosed document or thing within a reasonably prompt period of time. Within ten (10) days of receiving such a request, the Receiving Party shall (a) return to the Producing Party all such documents and things identified by the Producing Party as being protected by the attorney-client privilege, work-product immunity, or other privilege or immunity and as having been inadvertently produced, and (b) delete any electronic records thereof (with the exception of back-up tapes or other archival media, which should be treated in accordance with standard retention policies). The Receiving Party shall not utilize the information contained in the inadvertently produced documents or things for any purpose, or disseminate or transmit such information, except as provided in subparagraph (a) below.

(a) If the Receiving Party wishes to contest that any such document or thing is protected by the attorney-client privilege or by work-product immunity, the Receiving Party shall so notify the Producing Party in writing when the document or thing is returned to the Producing Party (“Notice of Designation”). The Receiving Party may retain one (1) copy of the document(s) or thing(s) at issue for the purposes of filing a motion to contest the designation. The copy retained by the Receiving Party must be sequestered, and may not be used for any purpose except to present the information to the Court for a determination of the claim of privilege.

(b) Within five (5) days after receiving a Notice of Designation, the Producing Party shall provide to the Receiving Party for each such document or thing a description of the basis for the claim of privilege or immunity.

(c) Within five (5) days after receiving such description, the Receiving Party may seek relief from the Court to compel production of such documents and things, the protection of which is still disputed. Any motion filed pursuant to this paragraph shall be filed under seal. If the Receiving Party does not contact the Court to contest the designation within such five (5)-day period, the one (1) copy, if any, retained by the Receiving Party as set forth in subparagraph (a) of this section 12 shall be immediately returned to the Producing Party. Likewise, in the event that the Court rejects the Receiving Party's challenge to the privileged status of the inadvertent production, the one (1) copy, if any, retained by the Receiving Party as set forth in subparagraph (a) of this section 12 shall be immediately returned to the Producing Party.

(d) With respect to documents and things subsequently generated by a Receiving Party, which documents and things contain information derived from such inadvertently produced documents and things, if the Receiving Party does not notify the Producing Party that the Receiving Party disputes the claims of attorney-client privilege or work-product immunity, or if the Court rejects any challenge by the Receiving Party to the privileged status of the inadvertent production, the Receiving Party shall make reasonable efforts to either destroy the derivative documents and things or redact from them all such derivative privilege or work-

product information in a manner such that the derivative information cannot in any way be retrieved or reproduced.

(e) The procedures set forth in this section 12 for challenging the privileged status of an inadvertent production shall not result in any waiver of the attorney-client privilege, the work product immunity, or any other privilege or immunity. There shall be no waiver of the attorney-client privilege, the work product immunity, or any other privilege or immunity for an inadvertent disclosure or production if the Producing Party complies with the procedures set forth in this Section 12 with respect to such inadvertent disclosure or production.

13. MISCELLANEOUS

13.1 Right to Further Relief. Nothing in this Order abridges the right of any person to seek its modification by the Court in the future.

13.2 Right to Assert Other Objections. By stipulating to the entry of this Protective Order no Party waives any right it otherwise would have to object to disclosing or producing any information or item on any ground not addressed in this Stipulated Protective Order. Similarly, no Party waives any right to object on any ground to use in evidence of any of the material covered by this Protective Order.

13.3 Filing Protected Material. If any party wishes to submit to the Court information that the party seeks to keep under seal—for instance, information designated as Confidential Information—the party must also file a motion to seal pursuant to Local Rule CV-5(a)(7). The Court will evaluate such motions in

accordance with the judicial-record sealing standard.¹ Such submissions must be filed under seal on CM/ECF, if filed electronically, or, if filed in hard copy, in a sealed envelope bearing the caption of this action and a notice in the following form:

CONFIDENTIAL INFORMATION

[Plaintiff] v. [Defendant], Civ. No. [Number]

This envelope, which is being filed under seal, contains documents that are subject to a Protective Order governing the use of confidential discovery material.

13.4 Service by Email Permitted. The parties hereby consent that all documents required to be served in this case may be served by an email directed to all counsel of record.

14. FINAL DISPOSITION

Within 30 days after the final disposition of the above-captioned action, as defined in Paragraph 3, each Receiving Party must return all Protected Material to the Producing Party or destroy such material. Whether the Protected Material is returned or destroyed, the Receiving Party must submit a written certification to the Producing Party (and, if not the same person or entity, to the Designating Party) by the 30-day deadline confirming the return or destruction of the Protected Material. Notwithstanding this provision, Counsel are entitled to retain an archival copy of all pleadings, motion papers, trial, deposition, and hearing transcripts, legal

¹ *Binh Hoa Le v. Exeter Fin. Corp.*, 990 F.3d 410, 417–18 (5th Cir. 2021) (explaining that “courts are duty-bound to protect public access to judicial proceedings and records,” a duty that is all too “easy to overlook” in the context of stipulated sealings, and that it is inappropriate to “presum[e] that whatever satisfies the lenient protective-order standard will necessarily satisfy the stringent sealing-order standard”).

memoranda, correspondence, deposition and trial exhibits, expert reports, attorney work product, and consultant and expert work product, even if such materials contain Protected Material. Any such archival copies that contain or constitute Protected Material remain subject to this Protective Order as set forth in Paragraph 3 (DURATION).

So ORDERED and SIGNED this 24th day of January, 2024.


SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE

EXHIBIT A

ACKNOWLEDGMENT AND AGREEMENT TO BE BOUND

I, _____, declare that:

1. My address is _____.
My current employer is _____.
My current occupation is _____.
2. I have received a copy of the Protective Order in this action (*Stellar, LLC v. Motorola Solutions, Inc. et al.*, Civil Case No. 4:23-cv-750-SDJ). I have carefully read and understand the provisions of the Protective Order.
3. I will comply with all of the provisions of the Protective Order. I will hold in confidence, will not disclose to anyone not qualified under the Protective Order, and will use only for purposes of this action any information designated as “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” or “HIGHLY CONFIDENTIAL – SOURCE CODE” that is disclosed to me.
4. Promptly upon termination of these actions, I will return all documents and things designated as “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” or “HIGHLY CONFIDENTIAL – SOURCE CODE” that came into my possession to the outside counsel for the party by whom I am employed.
5. I hereby submit to the jurisdiction of the United States District Court for the Eastern District of Texas for the purpose of enforcing the terms of the Protective Order, even if such enforcement proceedings occur after termination of this action.

I declare under penalty of perjury that the foregoing is true and correct.

Date: _____

City and State where sworn and signed: _____

Printed name: _____

Signature: _____