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11 PARKER-HANNIFIN CORPORATION and
12 PARKER INTANGIBLES LLC

13 UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA
15 FRESNO DIVISION

16 CHAMPION LABORATORIES, INC.,

17 Plaintiff,

18 v.

19 PARKER-HANNIFIN CORPORATION and
20 PARKER INTANGIBLES LLC,

21 Defendants.

Case No. 1:10-CV-02371 OWW -DLB

Hon. Oliver W. Wanger

**STIPULATED INTERIM PROTECTIVE
ORDER FOR DOCUMENTS IN
CONNECTION WITH MOTION TO
DISMISS**

22
23 WHEREAS, pursuant to Rule 26(c) of the Federal Rules of Civil Procedure and the Court's
24 Order (Dkt. 27 at 14-15), plaintiff Champion Laboratories, Inc. and defendants Parker-Hannifin
25 Corporation and Parker Intangibles LLC (collectively "the parties") having stipulated to the entry of
26 this Interim Stipulated Protective Order For Documents in Connection With Motion to Dismiss
27 ("Order"), and the Court having found that the entry of this Order is in the best interests of the
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1 parties and of the prompt and efficient adjudication of defendants' Motion to Dismiss filed on
2 February 4, 2011 ("Motion"),

3 **IT IS HEREBY ORDERED** as follows:

4 1. ***Confidential Materials Defined.*** This Order shall apply to all information,
5 documents, and things submitted in connection with the Motion that are in good faith believed by
6 that party to contain its trade secrets or other confidential research, development, proprietary,
7 financial, or commercial information or information of a competitive nature. The designating party
8 shall exercise good faith in designating information as protected under this Order.

9 2. ***Designation of Confidential Materials.*** The designating party shall label or mark
10 documents, pleadings, or submissions containing Confidential Information with the legend "**Highly**
11 **Confidential – Attorneys' Eyes Only**" on the face thereof, including on each page thereof where
12 appropriate.

13 3. ***Use of Confidential Materials and Filing Under Seal.*** Confidential Materials shall
14 be used by those granted access under this Order solely for the purpose of the Motion and not for
15 any other purpose, including, but not limited to, use in any business or commercial enterprise.
16 Pleadings, submissions, or documents containing or referring to Confidential Materials shall be
17 filed under seal pursuant to Rule 141 of the Local Rules of the Eastern District of California. The
18 clerk of this Court is to maintain the pleading, submission, or document under seal and make them
19 available only to persons authorized by the terms of this Order.

20 4. ***Disclosure and Access to Confidential Materials.*** Except with the prior written
21 consent of the designating party, no Confidential Material, and no information contained therein,
22 may be disclosed to any person other than the following:

23 a. Outside counsel of record for the parties to the litigation and secretaries, legal
24 assistants, and clerical personnel employed by such counsel who are actively providing
25 assistance to such counsel in connection with the Motion.

26 b. The following in-house counsel:
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1 7. **Attorney-Client Advice.** Nothing in this Order shall bar or otherwise restrict any
2 counsel of record from rendering advice to his or her client with respect to the Motion and, in the
3 course thereof, from relying upon his examination of Confidential Materials provided, however, that
4 in rendering such advice, and in otherwise communicating with his client, such counsel shall not
5 disclose the contents of any Confidential Materials, unless otherwise expressly permitted herein.

6 8. **Continuing Effect.** Within ninety days after termination of this action, all
7 Confidential Materials in the possession of a party shall be returned to the designating party or,
8 alternatively and at the request of the designating party, be destroyed.

9 9. **Non-Waiver and Non-Admission.** The execution of this Order shall not be
10 construed as an agreement by any person or party to produce or supply any information, or as a
11 waiver by any person or party of this right to object to the production of any information, or as a
12 waiver of any claim of privilege with regard to the production of any information. In addition,
13 nothing contained in this Order shall be construed an admission by any party that any Confidential
14 Materials are in fact confidential, proprietary or a trade secret. Furthermore, this Order may be
15 amended or superseded by a later order applicable to any further proceedings following disposition
16 of the Motion to Dismiss.

17 10. **Time of Effectiveness.** The parties agree to treat this Order as entered by the Court
18 as of the date it becomes fully executed by the parties. In the event that the fully executed Order
19 should be rejected by the Court, or that the Court should require any changes in the executed Order,
20 the parties agree to treat any Confidential Materials disclosed in the interim as **Highly**
21 **Confidential – Attorneys’ Eyes Only** according to the dictates of this Order as originally executed.

22 11. **Review.** Any dispute regarding the procedures or obligations set forth in this Order
23 shall be resolved by the Court after the parties outline their respective positions by letter to the
24 Court. Nothing in this agreement shall prevent any party from making an appropriate application to
25 the Court to review whether information marked **Highly Confidential – Attorneys’ Eyes Only**
26 should be so qualified. In the case of such application, the party which designated the particular
27 confidential nature of the information shall have the burden of proof on that issue.
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1 The Declaration of Rob Clark and supporting Exhibits shall be designated **Highly**
2 **Confidential – Attorneys’ Eyes Only** and maintained under seal pursuant to the Court’s Order
3 granting defendants’ Request to Seal Documents without prejudice (Dkt. 26). Any pleading or
4 submission making reference to the contents of the Clark Declaration shall be filed under seal
5 pursuant to this Order.

6
7 The parties, through counsel, stipulate to the entry of the foregoing Order.

8 Respectfully submitted,

Respectfully submitted,

9
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*Attorneys for Plaintiff
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*Attorneys for Defendants
Parker-Hannifin Corporation and
Parker Intangibles LLC*

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IT IS SO ORDERED.

Dated: March 1, 2011

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE