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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
BAZAARVOICE, INC.,  
Defendant.

Case No. [13-cv-00133-WHO](#)

**ORDER REGARDING USE OF THIRD PARTY MATERIALS AND DEPOSITION TESTIMONY AT TRIAL**

Re: Dkt. No. 118

**ORDER REGARDING USE OF THIRD PARTY MATERIALS AND DEPOSITION TESTIMONY AT TRIAL**

On September 9, 2013, the Court held a pre-trial conference in the case captioned *United States v. Bazaarvoice, Inc.*, Case No. 13-cv-0133 WHO (the “Litigation”) to address various issues in the Litigation, including the use of evidence at trial.

On March 4, 2013, the Court entered a Protective Order setting forth the procedures for protecting confidential information exchanged during discovery in the Litigation. During the course of discovery, the parties received materials and obtained deposition testimony from third parties, some of which has been designated by the third parties as “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Protective Order.

The Court hereby orders the following with respect to such “Confidential” and “Highly Confidential – Attorneys’ Eyes Only” designations of materials and/or deposition testimony by third parties:

1. Any party intending to use at trial any third party materials and/or deposition testimony designated by such third party as “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” must send via overnight delivery written notice of such

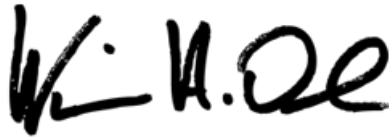
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intention no later than September 10, 2013. To the extent a party has already sent such written notification prior to the entry of this Order, that party need not provide duplicative notice. The party intending to use at trial third party materials and/or deposition testimony designated by such third party as “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” must also send to the third party a copy of this Order via overnight delivery within one (1) business day after the entry of this Order.

- 2. Any third party receiving the written notification set forth in Paragraph 1 and intending to maintain such “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” designations of materials and/or deposition testimony must: (1) appear at a hearing on September 19, 2013 at 10 a.m. in court room 2 located at 450 Golden Gate Avenue, San Francisco, CA 94102 to address this issue; and/or (2) file with the Court a formal request, including a supporting declaration that adequately justifies the designations by no later than September 18, 2013.

**IT IS SO ORDERED.**

Dated: September 10, 2013



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WILLIAM H. ORRICK  
United States District Judge