

1 **MCKOOL SMITH HENNIGAN, P.C.**
 2 RODERICK G. DORMAN (SBN 96908)
 3 rdorman@mckoolsmithhennigan.com
 4 ALAN P. BLOCK (SBN 143783)
 5 ablock@mckoolsmithhennigan.com
 6 MARC MORRIS (SBN 183728)
 7 mmorris@mckoolsmithhennigan.com
 8 300 South Grand Avenue, Suite 2900
 9 Los Angeles, California 90071
 10 T: (213) 694-1200; F: (213) 694-1234

11 **MCKOOL SMITH P.C.**
 12 DOUGLAS A. CAWLEY (*admitted pro hac*)
 13 dcawley@mckoolsmith.com
 14 300 Crescent Court, Suite 1500
 15 Dallas, Texas 75201
 16 T: (214) 978-4000; F: (214) 978-4044

17 **MCKOOL SMITH P.C.**
 18 JOHN B. CAMPBELL (*admitted pro hac vice*)
 19 jcampbell@mckoolsmith.com
 20 300 W. 6th Street, Suite 1700
 21 Austin, Texas 78701
 22 T: (512) 692-8700; F: (512) 692-8744

Attorneys for Plaintiff SPEEDTRACK, INC.

ARNOLD & PORTER KAYE SCHOLER LLP
 MICHAEL A. BERTA (SBN 194650)
 michael.bertha@aporter.com
 RYAN J. CASAMIQUELA (SBN 228559)
 ryan.casamiquela@aporter.com
 Three Embarcadero Center, 10th Floor
 San Francisco, CA 94111-4024
 Telephone: +1 415.471.3100
 Facsimile: +1 415.471.3400

Attorneys for Defendants
 OFFICEMAX, INC.; B & H FOTO &
 ELECTRONICS CORP.; EVINE LIVE, INC.;
 MACY'S, INC.; MACYS.COM, LLC;
 OVERSTOCK.COM, INC.; AND
 RECREATIONAL EQUIPMENT, INC.

ADDITIONAL COUNSEL LISTED ON SIGNATURE PAGE

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

SPEEDTRACK, INC.,

Plaintiff,

vs.

AMAZON.COM, INC.; BARNES & NOBLE
 BOOKSELLERS, INC.; J & R ELECTRONICS,
 INC.; DELL, INC.; BEST BUY.COM, LLC;
 SYSTEMAX, INC.; NA TECH DIRECT, INC.;
 POCAHONTAS CORP; SYX NORTH
 AMERICAN TECH HOLDINGS LLC; NA
 TECH COMPUTER SUPPLIES INC.;
 OFFICEMAX, INC.; MACY'S, INC.;
 MACYS.COM, LLC; OVERSTOCK.COM,
 INC.; RECREATIONAL EQUIPMENT, INC.;
 EVINE LIVE, INC. (f/k/a VALUE VISION
 INTERNATIONAL, INC., DBA
 SHOPNBC.COM); B &H FOTO &
 ELECTRONICS CORP.; HP INC. (f/k/a
 HEWLETT-PACKARD COMPANY); RETAIL

) Case No. 4:09-cv-04479-JSW

)
) **JOINT STIPULATION AND**
) **[PROPOSED] ORDER RE:**
) **AMENDMENT TO PARAGRAPH 7.4(B)**
) **OF STIPULATED PROTECTIVE**
) **ORDER**

) Date: N/A
) Time: N/A
) Place: Hon. Kandis A. Westmore
) Courtroom 4, Third Fl.

1 CONVERGENCE.COM, LP, DBA)
SMARTBARGAINS.COM,)
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Defendants.)
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1 WHEREAS, on April 16, 2018, the Court entered the Parties’ Stipulated Protective Order
2 (Dkt. 307).

3 WHEREAS, Paragraph 7.4(b), regarding disclosure of materials designated as “HIGHLY
4 CONFIDENTIAL – SOURCE CODE,” provided that only two Experts of a Receiving Party shall
5 have access to materials so designated: “access to Protective Material designated ‘HIGHLY
6 CONFIDENTIAL – SOURCE CODE’ shall be limited to up to two (2) Experts of the Receiving
7 Party.” (Dkt. 307, at 11).

8 WHEREAS, the parties agree, and hereby stipulate, that Paragraph 7.4(b) shall be amended
9 to provide that three (3) Experts of a Receiving Party may access to materials designated as
10 “HIGHLY CONFIDENTIAL – SOURCE CODE.”

11 Accordingly, the parties hereby stipulate that Paragraph 7.4 of the Stipulated Protective
12 Order shall be amended to state as follows:

13 7.4 Disclosure of “HIGHLY CONFIDENTIAL – SOURCE CODE” Information or
14 Items. Unless otherwise ordered by the court or permitted in writing by the Designating
15 Party, a Receiving Party may disclose any information or item designated “HIGHLY
CONFIDENTIAL – SOURCE CODE” only to:

16 (a) the Receiving Party’s Outside Counsel of Record in this action, as well as
17 employees of said Outside Counsel of Record to whom it is reasonably necessary to disclose
the information for this litigation;

18 (b) Experts of the Receiving Party (1) to whom disclosure is reasonably
19 necessary for this litigation, (2) who have signed the “Acknowledgment and Agreement to
20 Be Bound” (Exhibit A), and (3) as to whom the procedures set forth in paragraph 7.5(a)(2),
below, have been followed; provided that access to Protected Material designated “HIGHLY
21 CONFIDENTIAL – SOURCE CODE” shall be limited to up to ~~two (2)~~ three (3) Experts of
the Receiving Party;

22 (c) the court and its personnel;

23 (d) court reporters and their staff, professional jury or trial consultants, and
24 Professional Vendors to whom disclosure is reasonably necessary for this litigation and who
25 have signed the “Acknowledgment and Agreement to Be Bound” (Exhibit A); and

26 (e) the author or recipient of a document containing the information or a
27 custodian or other person who otherwise possessed or knew the information.
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IT IS SO STIPULATED, through Counsel of Record.

DATED: May 22, 2018

Respectfully submitted,
MCKOOL SMITH HENNIGAN P.C.
By /s/ Alan P. Block
Alan P. Block

Attorneys for Plaintiff SpeedTrack, Inc.

DATED: May 22, 2018

SIDLEY AUSTIN LLP
By /s/ Nathaniel Love
Nathaniel Love

Attorneys for Defendants
Amazon.com, Inc.; Dell Inc., and
BestBuy.com, LLC

DATED: May 22, 2018

QUINN EMANUEL URQUHART &
SULLIVAN, LLP
By /s/ David Eiseman
David Eiseman

Attorneys for Defendants
BarnesAndNoble.com, LLC and
BarnesAndNoble.com, Inc.

DATED: May 22, 2018

FARELLA BRAUN + MARTELL LLP
By /s/ Roderick M. Thompson
Roderick M. Thompson

Attorneys for Defendant Dell Inc.

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DATED: May 22, 2018

ARNOLD & PORTER LLP

By /s/ Michael A. Berta
Michael A. Berta

Attorneys for Defendants
Officemax, Inc., Macys.Inc., Macys.com, Inc.,
dba Macys.com, LLC, Overstock.com, Inc.,
Recreational Equipment, Inc., Valuevision
International, dba Evine Live, Inc., formerly
dba ShopNBC.com, and B&H Foto &
Electronics Corp.

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ORDER

IT IS ORDERED that the forgoing Agreement is approved and Paragraph 7.4 of the Stipulated Protective Order is amended as set forth above.

Dated: 5/29/18


United States Magistrate Judge

