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Attorneys for Defendants
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 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: SECOND**
) **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,)
2)
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), as amended, regarding disclosure of materials designated as
4 “HIGHLY CONFIDENTIAL – SOURCE CODE,” provides that only three Experts of a Receiving
5 Party shall have access to materials so designated: “access to Protective Material designated
6 ‘HIGHLY CONFIDENTIAL – SOURCE CODE’ shall be limited to up to three (3) Experts of the
7 Receiving Party.” (Dkt. 307, at 11; Dkt. 321).

8 WHEREAS, Plaintiff SpeedTrack, Inc. and Defendants OfficeMax, Inc., Macy’s, Inc.,
9 Macys.com, LLC, Overstock.com, Inc., Recreational Equipment, Inc., Evine Live, Inc., and B & H
10 Foto & Electronics Corp. agree, and hereby stipulate, that Paragraph 7.4(b) shall be amended to
11 provide that four SpeedTrack Experts shall have access to Protected Material designated “HIGHLY
12 CONFIDENTIAL – SOURCE CODE” by Defendants OfficeMax, Inc., Macy’s, Inc., Macys.com,
13 LLC, Overstock.com, Inc., Recreational Equipment, Inc., Evine Live, Inc., and B & H Foto &
14 Electronics Corp. and by third party Adobe Systems, Inc.

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

17 7.4 Disclosure of “HIGHLY CONFIDENTIAL – SOURCE CODE” Information or
18 Items. Unless otherwise ordered by the court or permitted in writing by the Designating
19 Party, a Receiving Party may disclose any information or item designated “HIGHLY
CONFIDENTIAL – SOURCE CODE” only to:

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

22 (b) Experts of the Receiving Party (1) to whom disclosure is reasonably
23 necessary for this litigation, (2) who have signed the “Acknowledgment and Agreement to
24 Be Bound” (Exhibit A), and (3) as to whom the procedures set forth in paragraph 7.5(a)(2),
25 below, have been followed; provided that access to Protected Material designated “HIGHLY
26 CONFIDENTIAL – SOURCE CODE” shall be limited to up to three (3) Experts of the
27 Receiving Party, except that four SpeedTrack Experts shall have access to Protected Material
designated “HIGHLY CONFIDENTIAL – SOURCE CODE” by Defendants OfficeMax,
Inc., Macy’s, Inc., Macys.com, LLC, Overstock.com, Inc., Recreational Equipment, Inc.,
Evine Live, Inc., and B & H Foto & Electronics Corp. and by third party Adobe Systems,
28 Inc;

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(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 for this litigation and who have signed the “Acknowledgment and Agreement to Be Bound” (Exhibit A); and

(e) the author or recipient of a document containing the information or a custodian or other person who otherwise possessed or knew the information.

IT IS SO STIPULATED, through Counsel of Record.

Respectfully submitted,

DATED: July 13, 2018

MCKOOL SMITH HENNIGAN P.C.

By /s/ Alan P. Block
Alan P. Block

Attorneys for Plaintiff SpeedTrack, Inc.

DATED: July 13, 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 is amended as set forth above.

Dated: 7/18/18


United States Magistrate Judge

