

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SMARTDATA, S.A.,

Plaintiff,

vs.

APPLE, INC.,

Defendant.

Case No.: 12-CV-00583 YGR

ORDER RE: DISCOVERY LETTER BRIEF
REGARDING PROTECTIVE ORDER

United States District Court
Northern District of California

The Court has reviewed the parties' Joint Letter Brief regarding disputed language in a protective order. The issue presented is: "Whether the agreed-upon patent prosecution bar provision in the Joint Protective Order should include reexamination of the patent-in-suit."

The prosecution bar provision of the Protective Order shall include reexamination of the patent-in-suit.

This ruling is without prejudice to allow Plaintiff to move to modify the protective order on the grounds that a reexamination request is being used for an improper purpose by the Defendant, in which case, the Court will consider on a case-by-case basis whether Plaintiff's in-house litigation counsel can participate in a reexamination.

The proposed Joint Protective Order shall be revised to reflect this Order, and resubmitted.

This Order Terminates Dkt. No. 30.

IT IS SO ORDERED.

Date: October 10, 2012



**YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE**