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7	Counsel for Plaintiffs and the Proposed Class	·
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9	[Additional Counsel on Signature Page]	
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11	UNITED STAT	ES DISTRICT COURT
12	NORTHERN DIS	TRICT OF CALIFORNIA
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14	In Re Intel Laptop Battery Litigation	Case No. CV-09-2889-JW
15	In ite inter Euptop Buttery Eniguion	STIPULATION AND XXXXXXXXXXXX ORDER RE AMENDMENT TO
16		STIPULATED PROTECTIVE ORDER ENTERED JANUARY 14, 2010
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	STIPULATION AND [PROPOSED] ORDER RE AN STIPULATED PROTECTIVE ORDER ENTERED J	
		Dockets.Jus

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1	WHEREAS a Stipulated Protective Order was entered by the Court on January 14, 2010 (the
2	"Protective Order").
3	WHEREAS a third party upon whom plaintiffs served a subpoena, NVIDIA Corp., requested
4	that the parties add an additional category of "Confidential Information or Items" to the Protective
5	Order: "Highly Confidential - Outside Counsel's Eyes Only," in light of the sensitivity to NVIDIA of
6	some of the subpoenaed documents, which NVIDIA does not wish to be shared with Intel's in-house
7	counsel.
8	WHEREAS plaintiffs and defendants do not object to this additional category so that NVIDIA
9	and other Designating Parties may hereafter designate documents with this label when warranted, and
10	such designation shall be treated as set forth below.
11	WHEREAS defendants and plaintiffs agree that NVIDIA should be included in the list of Intel
12	competitors listed in the Protective Order.
13	WHEREAS on July 8, 2010 the parties submitted an Amended Stipulated Protective Order,
14	D.E. #88, which sets forth the parties' agreement to amend the Protective Order as follows:
15	1. A new category of "Confidential Information or Items" shall be added to Section 2
16	("DEFINITIONS") of the Protective Order as follows:
17	"2.14: Highly Confidential - Outside Counsel's Eyes Only: extremely
18	sensitive "Confidential Information or Items" whose disclosure to
19	another Party, nonparty or House Counsel would create a substantial risk
20	of serious injury that could not be avoided by less restrictive means."
21	2. Sections 2.8 ("Protected Material"), 5.2 ("Manner and Timing of Designations"), 5.3
22	("Inadvertent Failure to Designate"), 7.4 ("Procedures for Approving Disclosures of "HIGHLY
23	CONFIDENTIAL - ATTORNEYS' EYES ONLY" Information or Items to "Experts""), and 8
24	("PROTECTED MATERIAL SUBPOENAED OR ORDERED PRODUCED IN OTHER
25	LITIGATION of the Protective Order shall be amended to include, in addition to "HIGHLY
26	CONFIDENTIAL – ATTORNEYS' EYES ONLY," the new category 'HIGHLY CONFIDENTIAL –
27	OUTSIDE COUNSEL'S EYES ONLY."
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	STIPULATION AND [PROPOSED] ORDER RE AMENDMENT TO STIPULATEDCase No. CV-09-2889-JWPROTECTIVE ORDER ENTERED JANUARY 14, 2010Case No. CV-09-2889-JW

1	3. The following section of the Protective Order shall be added following section 7.3	
2	("Disclosure of "HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY" Information or Items":	
3	"7.3a Disclosure of HIGHLY CONFIDENTIAL -OUTSIDE COUNSEL'S EYES ONLY"	
4	Information or Items. Unless otherwise ordered by the court or permitted in writing by the Designating	
5	Party, a Receiving Party may disclose any information or item designated "HIGHLY CONFIDENTIAL	
6	- OUTSIDE COUNSEL'S EYES ONLY" only to:	
7	(a) the Receiving Party's Outside Counsel of record in this action, as well as	
8	employees of said Counsel to whom it is reasonably necessary to disclose the information for	
9	this litigation;	
10	(b) Experts (as defined in this Order) (1) to whom disclosure is reasonably necessary	/
11	for this litigation, (2) who have signed the "Agreement to Be Bound by Protective Order"	
12	(Exhibit A), and (3) as to whom the procedures set forth in paragraph 7.4, below, have been	
13	followed;	
14	(c) the Court and its personnel;	
15	(d) court reporters, their staffs, and professional vendors to whom disclosure is	
16	reasonably necessary for this litigation and who have signed the "Agreement to Be Bound by	
17	Protective Order" (Exhibit A); and	
18	(e) the author of the document or the original source of the information.	
19	4. NVIDIA Corp. shall be added to the list of "Intel competitors" in Section 2.12.	
20	IT IS SO STIPULATED.	
21	DATED: July 14, 2010 GIRARD GIBBS LLP Interim Class Counsel for PLAINTIFFS	
22	KAPLAN FOX & KILSHEIMER LLP	
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25	By: <u>/s/ Linda M. Fong</u> Linda M. Fong	
26	Additional Counsel for Plaintiffs	
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28	2 STIPULATION AND [PROPOSED] ORDER RE AMENDMENT TO STIPULATED Case No. CV-09-2889-JW	+
	PROTECTIVE ORDER ENTERED JANUARY 14, 2010	
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1	DATED: July 14, 2010	PERKINS COIE BROWN & BAIN P.A.
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3		By: /s/ Anthony L. Marks
4		By: /s/ Anthony L. Marks Anthony L. Marks
5		Counsel for Defendant Intel Corporation
6	DATED: July 14, 2010	NARANCIC & KATZMAN, PC.
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8		
9		By: /s/ Perry J. Narancic
10		Perry J. Narancic
11		Counsel for Defendant Business Applications Performance Corporation
12		
13		ORDER
14 15	PURSUANT TO STIPULAT	ION, II IS SO ORDERED
15	DATED:July 26	, 2010 Patricia V. Frundull
17		The Honorable Patricia V. Trumbull United States Magistrate
18		Onned States Magistrate
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	STIPULATION AND [PROPOSED PROTECTIVE ORDER ENTERED	D] ORDER RE AMENDMENT TO STIPULATEDCase No. CV-09-2889-JWD JANUARY 14, 2010Case No. CV-09-2889-JW

1	ATTESTATION
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3	I, Linda M. Fong, the ECF User whose identification and password are being used to
4	electronically file this document hereby attest, in compliance with General Order 45.X.B, that Perry
5	J. Narancic and Anthony L. Marks have concurred in its filing and that their concurrence in the
6	filing of this document, indicated by a conformed signature ("/s/") within this e-filed document, will
7	be kept on file.
8	Dated: July 14, 2010
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11	/s/ Linda M. Fong
12	Linda M. Fong
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28	4 STIPULATION AND [PROPOSED] ORDER RE AMENDMENT TO STIPULATED Case No. CV-09-2889-JW PROTECTIVE ORDER ENTERED JANUARY 14, 2010

1	<u>Certificate of Service</u>	
2	The undersigned hereby certifies that all counsel of record who are deemed to have	
3	consented to electronic service are being served this 14th day of July, 2010 with a copy of this	
4	document via the Court's CM/ECF system. I certify that all parties who have appeared in this case	
5	are represented by counsel who are CM/ECF participants. Any other counsel of record will be	
6	served by electronic mail, facsimile transmission, and/or first class mail on this same date.	
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9	/s/ Linda M. Fong	
10	Linda M. Fong	
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