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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 APPLE INC., a California corporation,
14 Plaintiff,
15 v.
16 SAMSUNG ELECTRONICS CO., LTD., a
Korean corporation; SAMSUNG
17 ELECTRONICS AMERICA, INC., a New
York corporation, and SAMSUNG
18 TELECOMMUNICATIONS AMERICA,
LLC, a Delaware limited liability company,
19 Defendants.

CASE NO. 12-CV-00630-LHK

~~PROPOSED~~ AGREED ADDENDUM TO
THE JOINT PROTECTIVE ORDER
REGARDING GOOGLE SOURCE CODE
PRODUCTION

20 SAMSUNG ELECTRONICS CO., LTD., a
21 Korean corporation; SAMSUNG
ELECTRONICS AMERICA, INC., a New
22 York corporation, and SAMSUNG
TELECOMMUNICATIONS AMERICA,
23 LLC, a Delaware limited liability company,
24 Counterclaim-Plaintiff,
25 v.
26 APPLE INC., a California corporation,
27 Counterclaim-Defendant
28

1 Plaintiff and Counterclaim-Defendant Apple Inc. (“Apple”) has sought discovery from
2 non-party Google Inc. (“Google”) in the above-referenced action. In connection with this
3 discovery, Google has requested certain modifications to the Protective Order currently in effect in
4 this case. In order to facilitate production and receipt of information from Google during
5 discovery, and pursuant to Federal Rule of Civil Procedure 26(c), Apple and Google hereby agree
6 to the following Addendum to the Joint Protective Order entered by stipulation of the Parties and
7 Order of the Court on March 29, 2012 (collectively referred to herein as the “Protective Order”).
8 Defendants Samsung Electronics Co., Ltd., Samsung Electronics America, Inc. and Samsung
9 Telecommunications America, LLC do not oppose this Addendum.

10 **NON-PARTY GOOGLE INC.**

11 24. Patent Prosecution Bar. Absent the written consent of Google, anyone who
12 receives one or more items designated “GOOGLE'S HIGHLY CONFIDENTIAL – OUTSIDE
13 ATTORNEYS’ EYES ONLY – SOURCE CODE” shall not be involved, directly or indirectly, in
14 any of the following activities: advising on, consulting on, preparing, prosecuting, drafting,
15 editing, and/or amending of patent applications (whether for design or utility patents),
16 specifications, claims, and/or responses to office actions, or otherwise affecting the disclosure in
17 patent applications or specifications or the scope of claims in patents or patent applications
18 relating to the subject matter of the patents-in-suit before any foreign or domestic agency,
19 including the United States Patent and trademark Office. Apple’s Outside Counsel shall not
20 participate in any reexamination or reissue proceeding that is initiated by Apple and involves
21 patents in which Apple has any interest. For all other reexamination or reissue proceedings,
22 Apple’s Outside Counsel may participate in the proceeding, but may not participate in, supervise
23 or advise on, directly or indirectly, claim drafting or amending claims.

24 To the extent the foregoing limitations override the exception contained in the Protective
25 Order, page 6 lines 4-17, relating to reexamination and reissue, their applicability shall extend
26 only to source code produced by Google Inc.
27
28

1 25. The following additional protections shall apply to confidential source code
2 produced by non-party Google Inc.:

3 a. All source code shall be made available by Google to the Receiving Party in
4 a secure room, on one secured, stand-alone computer (running a reasonably current operating
5 system) per software platform produced, without Internet access or network access to other
6 computers, as necessary and appropriate.

7 b. The following provisions shall apply to individuals with access to the
8 confidential source code produced by non-party Google Inc.:

9 i. No more than a total of 25 individuals identified by the receiving
10 party shall have access to the secure room in which Google Inc. produces
11 material designated with the label "GOOGLE'S HIGHLY
12 CONFIDENTIAL - OUTSIDE ATTORNEY'S EYES ONLY - SOURCE
13 CODE";

14 ii. No more than a total of 25 individuals identified by the receiving
15 party shall have access to the printed portions of material produced by
16 Google Inc. designated with the label "GOOGLE'S HIGHLY
17 CONFIDENTIAL - OUTSIDE ATTORNEY'S EYES ONLY - SOURCE
18 CODE" (except insofar as such code appears in any filing with the Court or
19 expert report in this case).

20 c. The Confidential Source Code Computer shall be made available from 9:00
21 a.m. to 5:00 p.m. local time, Monday through Friday (excluding holidays).

22 d. The receiving party may print only those portions of files that are
23 reasonably necessary to the preparation of its case. In the event that the receiving party believes
24 there is a need to print more than ten (10) contiguous pages of a file, or more than a total of 100
25 printed pages of a file, the burden shall be on the receiving party to demonstrate that such printed
26 portions are no more than is reasonably necessary for a permitted purpose and not merely printed
27 for the purposes of review and analysis elsewhere.

28 e. The printed Source Code shall be labeled with "GOOGLE'S HIGHLY
CONFIDENTIAL – OUTSIDE ATTORNEYS' EYES ONLY – SOURCE CODE." Outside
counsel for Google will keep the originals of these printed documents, and copies shall be made
for outside counsel for the Receiving Party on watermarked paper within two business days. It is

1 the responsibility of Google to ensure delivery of the printed documents to outside counsel for the
2 Receiving Party within two business days.

3
4
5 DATED: May 2, 2012

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29 PURSUANT TO STIPULATION IT IS SO ORDERED.

30 Date:

Paul S. Amdur

