IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

SOFTWARE RIGHTS ARCHIVE, LLC,)
)
    Plaintiff,   )
) Civil Action No. 2:07-cv-511 (CE)
    v.   )
)
GOOGLE, INC., YAHOO! INC., IAC)
SEARCH & MEDIA, INC.; AOL, LLC; and) JURY TRIAL DEMANDED
LYCOS, INC.,   )
)
    Defendants.)
)
)
)

AGREED SUPPLEMENTAL PROTECTIVE ORDER

To expedite the flow of discovery materials, to facilitate the prompt resolution of disputes over confidentiality of certain discovery materials, to adequately protect information the parties are entitled to keep confidential, to ensure that only materials the parties are entitled to keep confidential are subject to such treatment, and to ensure that the parties are permitted reasonably necessary uses of such materials in preparation for and in the conduct of trial, pursuant to FED. R. CIV. P. 26(c), it is HEREBY ORDERED THAT:
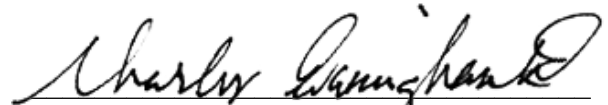
Documents or other things that are designated CONFIDENTIAL INFORMATION and contain a party's source code or object code may be designated "RESTRICTED CONFIDENTIAL-SOURCE CODE," if they constitute confidential, proprietary and/or trade secret source code or object code. Other documents or things that include confidential, proprietary and/or trade secret source code or object code may be designated RESTRICTED CONFIDENTIAL - SOURCE CODE only if confidential, proprietary and/or trade secret source code or object code cannot reasonably be segregated from the document or thing (all such documents or things referred to in this paragraph collectively, "Source Code"). Nothing in this

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Protective Order shall obligate the parties to produce or relieve the parties from producing any Source Code or constitute an admission that any particular source code or object code is, or is not, discoverable.

With respect to the discovery of Source Code, the Court orders the parties to adhere to the following protocol:

1. Subject to Defendants' objections, Defendants will produce responsive documents in connection with the December 10, 2008 Order Granting Joint Motion to Extend Various Scheduling Deadlines, including Defendants' Deadline for Document Production under P.R. 3-4(a) and (b) of February 13, 2009 and Defendants' Deadline for Document Production under paragraph 3(b) of the Discovery Order of May 15, 2009. Source Code will not be included in this production.

2. Plaintiff will, in good faith, seek any discovery based on the documents produced in accordance with (1) above, including but not limited to taking depositions, seeking additional documents, and propounding interrogatories. Defendants will, in good faith, object or respond timely to Plaintiff's discovery requests, deposition notices and subpoenas.

3. Plaintiff will determine which of Defendants' modules (or portions of Defendants' systems), if any, contain Source Code that it contends in good faith should be produced. Plaintiff will identify these modules (or portions of Defendants' systems) in writing to Defendants on or before July 17, 2009. Plaintiff's identification of modules (or portions of Defendants' systems) shall not constitute an admission as to which modules (or portions of Defendants' systems) are relevant to the case, but rather shall merely identify the modules (or portions of Defendants' systems) as to which, as of that date, Plaintiff believes in good faith it needs access to Source Code. Defendants reserve the right to object to any such identification from Plaintiff. At that time, the parties will attempt in good faith to agree on reasonable limits as to the manner, location, and quantity with regard to printing of any of the production. Nothing herein shall preclude Plaintiff from seeking further discovery relating to Defendants' Source Code or shall obligate Defendants to acquiesce to such discovery.

4. On or before July 31, 2009, the parties will file a joint motion to further supplement the Protective Order to address issues and protocols regarding discovery of Source Code, or otherwise notify the Court of any disputes regarding the discovery of Source Code.

SIGNED this 26th day of January, 2009.

                                                CHARLES EVERINGHAM IV
                                                UNITED STATES MAGISTRATE JUDGE