

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

SBJ HOLDINGS 1, LLC,

Plaintiff

vs.

NETFLIX, INC., AMAZON.COM, INC.,
and BORDERS GROUP, INC.,

Defendants.

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Case No: 1:07-mc-000729-SS

**ORDER ON MOTION REGARDING DEFENDANTS' SUBPOENA
TO THIRD PARTY VIGNETTE CORPORATION**

Pending before the Court is the Defendants' Netflix, Inc., Amazon.com, Inc., and Borders Group, Inc. ("Defendants"), and third-party Vignette Corporation ("Vignette") Stipulation and Motion for Entry of Order concerning Defendants' Subpoena to Vignette. In consideration of this joint stipulation it is **ORDERED** that

On or before September 28, 2007, Vignette shall produce to Defendants, for each Story Server version sold or developed, in whole or part, prior to December 5, 1998, an executable copy of the software, the product documentation (e.g. user manuals or programmer guides) associated with the software, and any documentation (e.g. functional or feature specifications) reflecting the development history of the Patent Subject Matter;

On or before September 28, 2007, Vignette shall produce to Defendants in writing, for each Story Server version sold or developed, in whole or part, prior to

December 5, 1998, the date of first beta release, the date of first product announcement, the date of first sale, license, or offer to sell or license, and all documentation relied upon to draft its written responses.

On or before September 28, 2007, Vignette shall produce all the due diligence files relating to the transfer of the Patent-in-Suit.

Defendants and Vignette shall meet and confer in good faith regarding the additional documents sought by the subpoena, including but not limited to the source code for each Story Server version sold or developed, in whole or part, prior to December 5, 1998.

All information produced by Vignette to Defendants in response to the subpoena shall be afforded the protections in Eastern District of Texas Patent Rule 2-2, until a protective order is entered by the Eastern District of Texas in the underlying lawsuit, Cause no. 2:07-cv-00120-TJW, at which time Vignette shall be afforded all of the protections contained therein. However, Vignette shall have the right to object to the terms and negotiate additional or different terms if it reasonably believes that the protective order does not afford adequate safeguards for its confidential or proprietary information and documents.

Defendants shall meet and confer with Vignette in good faith regarding any additional protections sought by Vignette following the entry of a protective order in the underlying litigation. In the event the parties cannot reach agreement to the terms of a protective order, any dispute will be submitted to this Court for resolution in Cause no. 1:07-mc-000729-SS.

Nothing in this Stipulation shall affect either Defendants' or Vignette's right to seek or object, respectively, to the production of additional information pursuant to the Subpoena.

U.S. DISTRICT COURT JUDGE