IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TEXASLDPC INC.,

    Plaintiff,

v.   No. 18-cv-1966-SB

BROADCOM INC. et al.,

    Defendants.

ORDER

In this patent and copyright case, the parties dispute the scope of a protective order addendum.

First, TexasLDPC wants its consultants to review portions of the source code. D.I. 161 at 1. But as it stands, the proposal would grant access only to certain people, like independent experts and outside counsel. D.I. 87 ¶¶ 4(b), 4(f). Adding consultants would let TexasLDPC expand this list indefinitely: anyone it appointed a "consultant" could access the code. Plus, it does not explain how giving its consultants access would help it put on a case. D.I. 161 at 1. So I strike TexasLDPC's proposed sentence in paragraph 37 of the protective order addendum.

Second, TexasLDPC wants a 1,000-page maximum for printed source code before the parties must meet and confer to raise that number. D.I. 161 at 1. Broadcom wants a 300-page limit. D.I. 163 at 3. Both parties raise factors in their favor, so I order a 500-page limit in paragraph 39(d) of the addendum.

Third, TexasLDPC wants remote access to review the source code because COVID-19 restrictions may interfere with in-person review in the future. But TexasLDPC does not show that it cannot travel now, just that it may not be able to travel in the future. Confidential source code is sensitive. *Drone Techs., Inc. v. Parrot S.A.*, 838 F.3d 1283, 1300 n.13 (Fed. Cir. 2016). In-person review is the gold standard to protect it. There is no need for remote source code review now. And if the need arises later, I can reconsider. So I adopt Broadcom's proposed language in paragraph 40.

I thus enter the protective order addendum, as edited.

Dated: November 2, 2021

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UNITED STATES CIRCUIT JUDGE