

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

United States of America, *et al.*,

Plaintiffs,

v.

Google LLC,

Defendant.

Case No. 1:20-cv-03010-APM

HON. AMIT P. MEHTA

**PARTIES' JOINT STATUS REPORT REGARDING THE PROTECTIVE ORDER**

The Parties met and conferred regarding appropriate revisions to the protective order, to address the issues raised by the Court during the December 2, 2020 status conference. The parties have reached an agreement on the protective order, and respectfully request that the Court enter the Stipulated Protective Order, attached here as Exhibit A.

Briefly, the parties have agreed on a protective order with two-tiers of confidentiality. *See* Exhibit A at ¶ 1(b), (g). This structure balances the need for Google's in-house counsel to have access to certain information, while also protecting only the most sensitive third-party information.

Further, the parties' Stipulated Protective Order addresses the Court's concerns about the breadth of the definitions of "Highly Confidential Information" and "Competitive Decision-Making." The parties' agreement identifies objective standards and heightens the requirement for designating information as Highly Confidential Information by requiring that the information is "is likely to cause material and significant competitive or commercial harm," providing objective categories of the types of information that would qualify, and placing time constraints to ensure that only fresh information can be so designated. *See id.* at ¶ 1(g). The parties' Stipulated

Protective Order further limits the definition of Competitive Decision-Making, notably it is no longer disqualifying for in-house counsel to participate in employment decisions and litigation.

The parties' agreement also provides a mechanism for Google's in-house counsel to review Highly Confidential Information based on consent of the third party or a showing of particularized need. *See id.* at ¶ 17.

To address the Court's concern that the restrictions placed on in-house counsel are too stringent, the parties' Stipulated Protective Order relaxes those restrictions and tailors them specifically to activities involving Protected Persons. *See id.* at ¶ 12(d).

Finally, the parties' agreement clarifies when, and under what circumstances, information can be shared among Plaintiffs and with non-parties. *See id.* at ¶ 16(d).

### **CONCLUSION**

For the foregoing reasons, the parties respectfully request that Court enter the Stipulated Protective Order attached as Exhibit A.

Dated: December 14, 2020

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