

FISH & RICHARDSON P.C.

GDPR DATA PROTECTION NOTICE (MUNICH OFFICE)

MAY 2018

The aim of this Data Protection Notice ("**Notice**") is to inform the current and former patent lawyers, lawyers, employees and independent contractors, including applicants, performing work or providing services on behalf of Fish & Richardson P.C., a professional corporation under the laws of Massachusetts, U.S.A., with an office located at Highlight Business Towers, Mies-van-der-Rohe-Strasse 8, 80807 Munich (the "**Firm**" or "**we**" or "**us**"), on the collection, use, disclosure, transfer, and other processing of their individually identifiable information ("**Personal Data**"). Under applicable European laws including, but not limited to, the General Data Protection Regulation 2016/679 (GDPR) and the 2018 Federal Data Protection Act (the "**Data Privacy Laws**"), the Firm is the controller.

1. Personal Data

Throughout the course of your employment or engagement with the Firm, we collect and process certain Personal Data about you to manage your employment or engagement. We collect and process your Personal Data (a) for purposes that are required by applicable law, regulations or contracts; (b) to allow the Firm to fulfil its business needs and legal obligations; and (c) to establish, perform, maintain and terminate the employment or business relationship. The Personal Data we collect and process includes the following categories (where applicable):

- **Contact Information:** such as full name, including title, name at birth and preferred name, office address, office phone number, office fax number, firm issued mobile phone number, office email address, home address, home phone number (if provided by you), personal email address (if provided by you), personal mobile phone number (if provided by you), employment location, job title, and employee ID;
- **Master Data and Qualified HR Data:** such as employee number; job function; contractual details; education information (including grades); admissions; bar memberships; résumé; nationality; passport number and issue information (if provided by you); residency status; date of birth; birth city and country; gender; marital status; religion/philosophical belief (where provided by you); your image (with your consent); video recordings (with your consent); primary language; language skills; visa type and information (work permit/business/etc.); emergency contact information; next of kin information; maternity protection information, including notification date of pregnancy, expected date of delivery, actual date of delivery and type of birth; paternity leave; employment location; employment action (hire/rehire/termination/leave); reason for employment action (hire/rehire/termination/leave); termination details; employee classification; employment status; type of contract; hire date; length of service; information on loaned Firm property; probation period information; notice period; job classification, information and status on global assignments; FTE status; department; cost centre; manager; travel details; employee expenses; Firm training history; marketing related documentation, press releases, nomination forms, pitch materials; performance rating history; competencies; development areas; work schedule and time worked; attendance; leave of absence information (vacation, holidays, accident and sick leave, maternity/paternity and parental leave, bereavement, service as lay judge, miscellaneous leave), including payment and entitlement information; all personal data

required to provide data subjects (1) access to Firm computer systems and networks, and (2) tools and devices to electronically communicate with other Firm offices; IP address; and user login name;

- **Benefit Plan Information:** such as full name, plan information, award value information, settlement information, tax obligation, exercise type, country, amount and price, bank information details, payment beneficiary;
- **Payroll Data:** such as, national ID number/social security number; banking data necessary to make payments to the data subject; compensation information; data on leave; end-of-service payment and accruals; base salary; annual salary; wage type; salary deductions; currency; garnishment; employee's wage tax class/tax identification number and other wage tax details; employee's wage tax (withheld by the employer); tax number; compensation; overtime compensation; compensation for untaken holiday; paid expenses; benefits and benefits in kind (including retirement, disability and survivors' benefits), health benefits, living allowances, travel allowances, travel details, salary adjustments and salary reductions, and any third-party payments;
- **Training and Assessment Information:** such as training, work experience, education, professional certifications and affiliations, accomplishments, career goals and type, development plans, potential, performance, potential assessment information, succession plan information, evaluation meeting information and performance ratings;
- **Job Applicant Information:** for recruitment purposes (where lawful to process and retain such data) such as candidate details, status, ranking, email address, address, current and previous employers, job history, title, education, qualifications, references, desired function and work location, licenses, professional certifications and affiliations, educational certificates, work experience (including current and previous clients and matters), and résumé information;
- **Health Information:** such as illness and accidents information; health; disability information; insurance and saving plan information, including deductions, eligibility and coverage; enrolment plan information; sick leave data; and disability information;
- **Work Product Information:** such as documents, emails and other information in connection with your work for the Firm;
- **Securities Transaction Information:** such as international securities identification numbers (ISIN) and amounts of securities to be purchased or sold, to the extent that such transaction is subject to prior clearance by the Firm;
- **Investment Opportunities:** such as investment documents and notifications (if elected and provided).

The provision of Job Applicant Information is a requirement to enter into an employment contract with the Firm. Failure to provide such information or part thereof may cause the Firm to refrain from making an offer of employment to the applicant.

2. Sources of Personal Data

We may obtain Personal Data from the sources listed below:

- Directly from you, the application process or via other forms or information you provide to us in connection with your employment or engagement with us job application,

employment contract, benefits application forms, personal details form, internal résumé/management profile, emergency contacts, etc.);

- Through your activities in the course of your employment, such as through your performance evaluations; and
- From third parties, including references and other background screening checks, former employers, and employment recruitment agencies, subject to the requirements of applicable law.

3. Dependents and Contact Information

If you provide us with Personal Data about members of your family and/or dependents or beneficiaries (e.g. for emergency contact or benefits administration purposes), you have the responsibility to inform them of their rights with respect to such information. You also are responsible for obtaining the explicit consent of these individuals (unless you can provide such consent on their behalf) to the processing (including transfer) of that Personal Data for the purposes set out in this Notice. If you prefer that we provide this information to them, please inform your Risk Management with the applicable contact details and we will do so.

4. Purposes for Processing Personal Data

The Firm collects, processes, and otherwise uses your Personal Data for purposes (a) that are required by applicable law, regulations or other contracts; (b) to allow the Firm to fulfil its business needs and legal obligations; (c) to allow the Firm to decide whether to establish an employment relationship with you; (d) to perform, maintain or terminate the employment relationship or other business relationship with you. These purposes include:

- management of the employment relationship;
- workflow management, such as assigning, managing, and administering projects or training;
- travel and expense tracking and budgeting;
- compensation administration, including payroll and bonus administration, approval and processing; benefits monitoring, calculation, administration and planning; competitive pay analysis; and job grading;
- talent management; performance appraisals, promotion, and career development activities; identifying future managers and leaders (succession planning); retirement planning; monitoring of training and development;
- personnel administration;
- enrolment with and administration of health and medical benefits, pension funds and/or retirement plans;
- administration of leave of absence, time off, sick leave or other types of employee leave as per applicable law and/or Firm policies;
- managing sickness, injury and/or disability requirements;
- organizational development; preparation, management, and use of an internal business directory;

- people surveys;
- employee discipline; internal Firm and/or external investigations into misconduct and/or performance concerns and audit requirements;
- systems maintenance, data reporting and/or resolving data corruption, access or user issues;
- exercise of our rights under German law and compliance with applicable legal and regulatory requests and obligations (including investigations in relation to the same); and
- establishing or defending legal claims and allegations;

We will not use your Personal Data for marketing purposes (except for marketing the Firm's services to its clients and potential clients) unless you expressly consent to our doing so.

We will not use your Personal Data for automated decision making, including profiling.

5. Disclosure of Personal Data

Your Personal Data will be disclosed within the Firm to management and otherwise to those individuals who need access to your Personal Data to perform their duties for the purposes listed in Section 4 above or where required or permitted by applicable law.

The Firm may also disclose your Personal Data where required by applicable law. Within the Firm, your Personal Data will be disclosed only to a limited number of relevant individuals such as principals, chiefs, directors, managers, advisors, or specialists within the Firm management, practice management, risk management, information technology, human resources, legal, finance, operations, professional development, conflicts and compliance departments as well as certain other managers (i.e. only persons with assigned responsibility or managerial responsibility for the employee or groups of employees) to the extent any of them need access to your Personal Data in connection with their job responsibilities. Access will be provided on a need-to-know basis. Disclosure may take place also through specifically devoted human resources information systems and databases, employee directories or business applications. Access to the internal employee directory will be provided to all Fish principals and employees.

The Firm may also disclose your Personal Data to third parties providing payroll services, benefit providers, information technology support, approved contractors, or technical and organizational services in connection with human resources-related activities or legal, audit or other advisors to the Firm for the purposes referred to in this Notice. The Firm will exercise appropriate due diligence in the selection of its third-party service providers, and will require that such providers maintain adequate technical and organizational security measures to safeguard your Personal Data, and to process your Personal Data only as instructed by the Firm and for no other purposes.

The Firm may also disclose your Personal Data to governmental authorities as required or permitted by law; public and private social security and insurance agencies; consultants in connection with extraordinary business operations (e.g. mergers, acquisitions, and the like); to business partners, agents and customers; external consultants and professionals; and courts. Your Personal Data will be disclosed to such third parties only as necessary in connection with the performance of contracts, the Firm's business activities and the purposes listed in Section 4 above, as permitted by employee consent or as otherwise authorised, required, or permitted by law.

6. International Transfer of Personal Data

Some of the recipients listed in Section 5 above are located in countries (including the United States) that do not provide a level of data protection equivalent to that set forth by the law in your home country. The Firm will take appropriate steps to make sure that such recipients act in accordance with applicable law. To the extent that the Firm transfers the Personal Data to recipients located outside the European Union or the European Economic Area, the Firm will provide an adequate level of protection to your Personal Data, including appropriate technical and organizational security measures and through the implementation of appropriate contractual measures to secure such transfer in compliance with applicable law.

Firm has issued a guarantee under German law based on standard contractual clauses approved by the European Commission in order to provide an adequate data protection level for Personal Data that is transferred to the Firm's U.S. offices. A copy of the guarantee are attached hereto as Exhibit A.

7. Legal Basis for Processing Personal Data

The Firm's employment obligations and contractual and legal obligations, as well as its legitimate business interests under the Data Privacy Laws, form the legal basis of the processing described in this Notice. If you are a principal or an employee of the Firm, we will need to process your Personal Data for these purposes. Our legitimate interests or those of a third party include our requirements to use your Personal Data in litigation, investigations, or regulatory or governmental enquiries, or for other legal or regulatory purposes involving the Firm and/or any affiliate of the Firm and may also include the need to transfer your Personal Data to third countries without adequate data protection laws. In this event, we will take appropriate steps to protect your Personal Data as required by the Data Privacy Laws.

8. Data Security

We maintain physical, technical, and organizational security measures to protect Personal Data against accidental, unlawful, or unauthorised destruction, loss, alteration, disclosure, restriction or access, whether it is processed in your local jurisdiction or in the United States. Our Information Security Policy and Information Governance Records Management (IGRM Policy) governs how we protect your Personal Data.

9. Retention, Access and Accuracy of Personal Data

We intend to keep your Personal Data accurate and up to date. We also strive to retain your Personal Data no longer than is necessary to carry out the purposes listed in this Notice or required by law. The Firm retains your Personal Data for up to 10 years following the end of your employment or other business relationship in accordance with applicable law. However, legal documents in connection with the termination of your employment relationship will be retained as long as such termination may be disputed, and Personal Data necessary for the administration of retirement, disability or survivor's benefits will be retained as long as such benefits may be claimed.

If changes need to be made to Personal Data, notify your local Human Resources Department in writing right away to make changes. Under applicable law, you have rights to (i) check whether we hold Personal Data about you and to access such data (subject to applicable laws); (ii) request correction of your Personal Data that is inaccurate; (iii) ascertain information related to the Firm's policies and practices in relation to Personal Data; (iv) request the erasure of your Personal Data; and (v) request the restriction of processing concerning you. In certain circumstances, you may also have the right to request restrictions

or object for legitimate reasons to the processing of your Personal Data in accordance with the Data Privacy Laws. Further, you have the right to transfer your Personal Data to third parties to the extent provided under Article 20 of the GDPR.

You also have the right to withdraw any consent to processing your Personal Data at any time, without affecting the lawfulness of the processing of your Personal Data based on consent before its withdrawal. We may, however, have other legal grounds to continue to process your Personal Data. This will be discussed with you at the relevant time if you exercise this right.

10. Changes to this Notice

Should we materially change our Personal Data practices or this Notice, we will issue a revised Notice and/or take other steps to notify you of the changes in accordance with applicable laws.

11. Right to Raise Concerns

You have the right to raise concerns to the Firm or to a supervisory authority about the Firm's processing of your Personal Data. If you wish to raise concerns with the Firm, please contact the Director of Risk Management and Legal Compliance (riskmanagement@fr.com)

12. Questions

If you have any questions about this Notice or wish to (i) access or review your Personal Data or learn more about who has access to your Personal Data, or (ii) make another type of request related to your Personal Data, please contact Risk Management (riskmanagement@fr.com)

