

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TICKETNETWORK, INC.,
Petitioner,

v.

CEATS, LLC,
Patent Owner.

Case CBM2018-00004
Patent 8,229,774 B2

Before MICHAEL W. KIM, WILLIAM V. SAINDON, and
KEVIN W. CHERRY, *Administrative Patent Judges*.

CHERRY, *Administrative Patent Judge*.

ORDER

Conduct of the Proceeding; Motion to Seal
37 C.F.R. §§ 42.5, 42.54

Petitioner filed a Motion to Seal (Paper 4, “Mot.”) portions of the Petition (Paper 2) and Exhibit 1007. Patent Owner has not opposed Petitioner’s Motion otherwise, by, for example, filing an opposition during the requisite time period. As such, we understand Petitioner’s Motion to be unopposed.

“There is a strong public policy for making all information filed in a quasi-judicial administrative proceeding open to the public.” *Garmin Int’l v. Cuozzo Speed Techs., LLC*, IPR2012–00001, slip op. at 1–2 (PTAB Mar. 14, 2013) (Paper 34). The standard for granting a motion to seal is “good cause.” 37 C.F.R. § 42.54. That standard includes showing that the information addressed in the motion to seal is truly confidential, and that such confidentiality outweighs the strong public interest in having the record open to the public. *See Garmin*, slip op. at 2–3.

The moving party bears the burden of showing that the relief requested should be granted, and establishing that the information sought to be sealed is confidential information. 37 C.F.R. § 42.20(c).

In reviewing Exhibit 1007 and redacted portions of the Petition that Petitioner seeks to seal, we observe, as Petitioner asserts, that the sealed information relates to the confidential license agreement between Petitioner and Patent Owner. Mot. 1. Petitioner represents that the license agreement contains a provision prohibiting either party from disclosing the contents of the license agreement. *Id.* Petitioner has filed redacted public versions, although we note that Exhibit 1007 is redacted almost in its entirety. We further note that some of the information relevant to standing concerning the terms of the license agreement are publicly available in other public exhibits filed by the parties, including Exhibit 1012.

Patent Owner has filed a non-public version of its Patent Owner Preliminary Response under seal without any accompanying motion to seal. Paper 10. Patent Owner also filed a redacted public version of its Preliminary Response. Paper 11. Although Patent Owner has not submitted a motion to seal, we understand that the information in the Preliminary Response, filed under seal, is the same information related to the license agreement that Petitioner seeks to maintain under seal in its Motion. *See* Paper 10, 6–9.

After having considered the arguments, we determine that Petitioner has established good cause for sealing the documents identified in the Motion, as well as the information in the Petition and Patent Owner’s Preliminary Response. We do not expressly cite Exhibit 1007, or the contents thereof, in our Decision, and instead rely on other publicly available Exhibits for information relevant to standing concerning the terms of the license agreement. Accordingly, we determine that burden on the public in maintaining this information under seal is minimal.

ORDER

It is:

ORDERED that Petitioner’s Motion to Seal is *granted* as to the Petition and Exhibit 1007; and

FURTHER ORDERED that the non-public versions of the Petitioner and Patent Owner Preliminary Response are maintained under seal.

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