

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GARMIN INTERNATIONAL, INC.
Petitioner

v.

Patent of CUOZZO SPEED TECHNOLOGIES LLC
Patent Owner

Case IPR2012-00001
Patent 6,778,074

PETITIONER’S MOTION TO SEAL

In accordance with the Board’s March 14, 2013, Decision (Paper 34), Petitioner, Garmin International, Inc., respectfully moves to seal Exhibit 1024 containing certain excerpts of the deposition transcript of Giuseppe A. Cuzzo (“Mr. Cuzzo”). In support of its Motion, Garmin respectfully submits the following:

I. Good Cause Exists to Seal Portions of Mr. Cuzzo’s Deposition

In support of its Motion to Seal (Paper 35), Patent Owner submitted that if Mr. Cuzzo’s financial information is publicly disclosed, Mr. Cuzzo and his parents—nonparties to this proceeding—would be exposed to undue burden,

oppression, and embarrassment. The Board found in its Decision (Paper 36) that certain financial information of Mr. Cuozzo may be sealed. During Mr. Cuozzo's deposition, Patent Owner marked financial information confidential.

II. Certification of Non-Publication

Petitioner and Patent Owner have both taken appropriate steps to maintain the confidentiality of the above referenced information. Mr. Cuozzo refers obliquely to the information in his Declaration (*see* Ex. 3001 at ¶¶ 17–19), and Petitioner bases a portion of its Reply argument on this information (*see* Paper 40 at 6–7). But neither the Declaration nor the Reply goes into the level of detail covered by the deposition testimony.

Additionally, Petitioner has filed as Exhibit 1023 a complete copy of Mr. Cuozzo's deposition transcript with the above described excerpt redacted.

Petitioner respectfully submits that the level of detail publicly accessible in the Declaration, the Reply, and Exhibit 1023 strikes the correct balance between the protection of confidential personal information and the public's interest in maintaining a complete and understandable file history of this *inter partes* review.

III. Certification of Conference with Counsel for Patent Owner Pursuant to 37 C.F.R. § 42.54

The undersigned has conferred in good faith with counsel for Patent Owner and has reached agreement as to this Motion, the confidentiality of the above

described deposition testimony, and its coverage under the protective order entered for this proceeding.

IV. Confidential Portions of the Deposition Transcript

Petitioner respectfully submits the attached Exhibit 1024, confidential excerpts of the deposition transcript of Giuseppe A. Cuozzo taken on May 14, 2013, to be filed under seal in accordance with the protective order.

V. Protective Order

A copy of the applicable protective order has been previously entered in this proceeding by Patent Owner. (*See* Paper 35).

VI. Conclusion

For the reasons set forth above, Petitioner respectfully requests that the attached Exhibit 1024, confidential excerpts of the deposition transcript of Giuseppe A. Cuozzo taken on May 14, 2013, be placed under seal by the Board.

Respectfully submitted,

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(IPR Trial No. 2012-00001)

CERTIFICATE OF SERVICE

I certify that on May 21, 2013, a true and correct copy of *Petitioner's Motion to Seal* has been provided, via electronic mail to counsel of record as follows:

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