

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GARMIN INTERNATIONAL, INC. ET AL.
Petitioner

v.

CUOZZO SPEED TECHNOLOGIES LLC
Patent Owner

Case IPR-2012-00001
Patent 6,778,074

Before JAMESON LEE, MICHAEL P. TIERNEY, and JOSIAH C. COCKS,
Administrative Patent Judges.

LEE, *Administrative Patent Judge.*

DECISION
Motion to Seal
37 C.F.R. §§ 42.14 and 42.54

On May 21, 2013, petitioner Garmin filed a Motion to Seal (Paper 42) together with its Reply to Cuozzo's Patent Owner Response (Paper 40). Garmin states that the motion concerns information Cuozzo has indicated to Garmin as confidential financial information of Cuozzo. We have reviewed the material

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subject to the Garmin motion, and see that the material sought to be sealed includes more than what fairly can be regarded as confidential financial information.

For instance, general information on the source of funds used to prepare and file a patent application, information on whether Mr. Cuozzo described his invention to others when attempting to obtain financing, and information on whether others tried to talk him out of spending money on a patent application do not appear to be confidential financial information.

More importantly, much of the material sought to be sealed is already revealed in petitioner's Reply to the Patent Owner Response, for instance, page 7, lines 1-8 (Paper 40). That which is not revealed in the Reply either does not appear to have been relied or has not been shown to be relevant.

The material sought to be sealed is Exhibit 1024, which includes portions of the cross examination testimony of Cuozzo's inventor Giuseppe A. Cuozzo, specifically testimony in the transcript of that deposition commencing from page 100, line 20, through page 106, line 16.

It is

ORDERED that Garmin's Motion to Seal filed on May 21, 2013, is *denied*; **FURTHER ORDERED** that after seven (7) days of the date of this communication, Exhibit 1024 will be designated as "public" in PRPS (Patent Review Processing System);

FURTHER ORDERED that within seven (7) days of the date of this communication, the parties are authorized to file a joint motion to have Exhibit 1024 expunged and replaced by Substitute Exhibit 1024 – Substitute Exhibit 24 will be the same as Exhibit 1024 but with all confidential financial information not

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already revealed in Garmin's Reply redacted; Substitute Exhibit 1024 shall be filed concurrently with the joint motion and be designated as "Public" in PRPS when filed.

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For PETITIONER

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