

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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JIAWEI TECHNOLOGY (HK) LTD., JIAWEI TECHNOLOGY (USA) LTD.,  
SHENZHEN JIAWEI PHOTOVOLTAIC LIGHTING CO., LTD., ATICO  
INTERNATIONAL (ASIA) LTD., ATICO INTERNATIONAL USA, INC.,  
CHIEN LUEN INDUSTRIES CO., LTD., INC. (CHIEN LUEN FLORIDA),  
CHIEN LUEN INDUSTRIES CO., LTD., INC. (CHIEN LUEN CHINA),  
COLEMAN CABLE, LLC, NATURE'S MARK, RITE AID CORP., SMART  
SOLAR, INC., AND TEST RITE PRODUCTS CORP.  
Petitioner,

v.

SIMON NICHOLAS RICHMOND  
Patent Owner.

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Case IPR2014-00938  
Patent 7,429,827

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**PETITIONER'S MOTION TO SEAL UNDER 37 CFR 42.54**

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Patent Trial and Appeal Board  
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Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 42.54, Petitioner, Jiawei Technology (HK) Ltd., Jiawei Technology (USA) Ltd., Shenzhen Jiawei Photovoltaic Lighting Co., Ltd., Atico International (Asia) Ltd., Atico International USA, Inc., Chien Luen Industries Co., Ltd., Inc. (Chien Luen Florida), Chien Luen Industries Co., Ltd., Inc. (Chien Luen China), Coleman Cable, LLC, Nature's Mark, Rite Aid Corp., Smart Solar, Inc., and Test Rite Products Corp. (collectively "Petitioner"), hereby moves to seal Exhibits 1016, 1019, 1029, and 1040-1042, which include confidential information, as well as portions of the Petitioner's Opposition to Motion to Terminate and supporting declaration in Exhibit 1044 that also include the confidential information. Petitioner is concurrently submitting non-confidential versions of Exhibits 1019, and 1040-1042, as well as Petitioner's Opposition to Motion to Terminate and supporting declaration in Exhibit 1044, that have been redacted to remove the confidential information. Petitioner also requests entry of the Default Protective Order.

**I. GOOD CAUSE EXISTS FOR SEALING CONFIDENTIAL INFORMATION**

Under 35 U.S.C. § 316(a)(1), the default rule is that all papers filed in an *inter partes* review are open and available for access by the public, and a party may file a concurrent motion to seal and the information at issue is sealed pending the outcome of the motion. *See* 37 C.F.R. § 42.14 ("The record of a proceeding,

Case IPR2014-00938

Patent 7,429,827

including documents and things, shall be made available to the public, except as otherwise ordered. A party intending a document or thing to be sealed shall file a motion to seal concurrent with the filing of the document or thing to be sealed.

The document or thing shall be provisionally sealed on receipt of the motion and remain so pending the outcome of the decision on the motion.”). The rules promulgated by the USPTO “aim to strike a balance between the public’s interest in maintaining a complete and understandable file history and the parties’ interest in protecting truly sensitive information.” *Office Trial Practice Guide*, 77 Fed. Reg. 48756, 48760 (Aug. 14, 2012). The moving party has the burden of establishing “good cause” for sealing documents containing confidential information. *Garmin Int’l, Inc. v. Cuozzo Speed Techs. LLC*, Case No. IPR2012-00001, Paper 37, 4 (P.T.A.B. Apr. 5, 2013).

The Exhibits the Petitioner moves to seal contain confidential and highly sensitive commercial information. As detailed below, with respect to each Exhibit and portions of its Opposition to Motion to Terminate and supporting declaration in Exhibit 1044 that the Petitioner seeks to seal, good cause exists for sealing these documents and granting this motion.

Exhibit 1016 is Southwire Holding Company’s confidential internal document setting forth a resolution of its board of directors.

Exhibit 1019, in which financial account number information has been redacted, includes payment records to Dentons Canada LLP and Dentons US LLP and depicts confidential payment amount information.

Exhibit 1029 is a confidential internal announcement regarding an internal “Fast Forward” program, including confidential sales and distribution information.

Exhibit 1040 includes copies of invoices to Coleman Cable, Inc. from Dentons US LLP for payments for the subject proceeding, as well as related emails, and depicts confidential payment amount and financial account number information.

Exhibit 1041, in which financial account number information has been redacted, includes wire transfer records from Coleman Cable to Dentons US LLP depicting confidential payment amount information.

Exhibit 1042, in which financial account number information has been redacted, includes a copy of a check and a related letter regarding payments from Coleman Cable, LLC for the subject proceeding and depicts confidential payment amount information.

Disclosure of the above information could put Coleman and Southwire at a commercial disadvantage, for instance in subsequent negotiations with other suppliers. Accordingly, Petitioner requests that these Exhibits, as well as portions

Case IPR2014-00938

Patent 7,429,827

of its Opposition to Motion to Terminate and supporting declaration in Exhibit 1044, be filed under seal.

## **II. CERTIFICATION OF NON-PUBLICATION**

On behalf of Petitioner, undersigned counsel certifies the information identified in Exhibits 1016, 1019, 1029, and 1040-1042, as well as portions of the Petitioner's Opposition to Motion to Terminate and supporting declaration in Exhibit 1044, and sought to be sealed has not, to their knowledge, been published or otherwise made public.

## **III. CERTIFICATION OF CONFERENCE WITH OPPOSING PARTY PURSUANT TO 37.C.F.R. § 42.54**

Petitioner has in good faith conferred with Patent Owner and Patent Owner does not object to entry of the Default Protective Order.

## **IV. PROPOSED PROTECTIVE ORDER**

Petitioner respectfully requests entry of the attached Default Protective Order. Upon entry of the Default Protective Order, Petitioner designates Exhibits 1016, 1019, 1029, and 1040-1042 and portions of the Petitioner's Opposition to Motion to Terminate and supporting declaration in Exhibit 1044 "PROTECTIVE ORDER MATERIAL."

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