

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AXON EP, INC. and SCREEN LOGIX, LLC,
Petitioner,

v.

DERRICK CORPORATION,
Patent Owner.

Case IPR2016-00642
Patent 7,228,971 B2

Before BARRY L. GROSSMAN, CARL M. DEFRANCO, and
JAMES J. MAYBERRY, *Administrative Patent Judges*.

MAYBERRY, *Administrative Patent Judge*.

DECISION

Patent Owner's Motion to Seal

37 C.F.R. §§ 42.5, 42.14, 42.54

On November 22, 2016, Patent Owner, Derrick Corporation (“Derrick”), filed a Motion to Seal (the “Motion”). Paper 20. Patent Owner moves to seal the Patent Owner Response (Paper 19) and Exhibits 2018, 2020, and 2023. *Id.*, 1. In the Motion, Derrick certifies that it conferred in good faith with Petitioners Axon EP, Inc. and Screen Logix, LLC regarding the scope of protection sought in the Motion. *Id.* at 3. Petitioner did not file an opposition to the Motion. Derrick further certifies that it and Petitioners agree to be bound by the Default Standing Protective Order, which is included as Appendix A to the Motion. *Id.*

Patent Owner asserts that good cause exists for granting the Motion. Paper 20, 1–2. Specifically, Patent Owner indicates that Exhibit 2023 contains Derrick’s confidential sales and revenue information and that this information is not generally available to the public. *Id.* at 1. Derrick’s Patent Owner Response includes information from Exhibit 2023. *Id.* at 2. Derrick provided non-confidential versions of its Patent Owner Response and Exhibit 2023. *Id.*; *see* Paper 18; Ex. 2033.

Exhibits 2018 and 2020 contain confidential information of Screen Logix, including its internal discussions, its purchase of assets, and its development of the Model 500 screen. *Id.* at 2. Derrick filed non-confidential versions of Exhibits 2018 and 2020. *Id.*; *see* Exs. 2031, 2032.

After consideration of the Motion and its appendix, we grant Patent Owner’s request, and the proposed Protective Order is entered for the referenced papers and exhibits. The parties are reminded that confidential information that is subject to a protective order ordinarily becomes public 45 days after final judgment in a trial. Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,761 (Aug. 14, 2012). The Board and the public

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expect that information will be made public where the existence of the information is identified in a final written decision following a trial. *Id.* After final judgment in a trial, a party may file a motion to expunge confidential information from the record prior to the information becoming public. *See* 37 C.F.R. § 42.56.

It is

ORDERED that Patent Owner's Motion is *granted*;

FURTHER ORDERED that Exhibits 2018, 2020, 2023, and the confidential (unredacted) version of the Patent Owner Response (Paper 19) be sealed; and

FURTHER ORDERED that the proposed Protective Order is placed into effect for the papers and exhibits referenced in the Motion.

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