UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NOKIA SOLUTIONS AND NETWORKS US LLC; AND
NOKIA SOLUTIONS AND NETWORKS OY,
Petitioners

v.

HUAWEI TECHNOLOGIES CO. LTD.,
Patent Owner

Case: IPR2017-00658
U.S. Patent No. 8,537,779

PETITIONERS' MOTION TO SEAL
UNDER 35 U.S.C. §312 AND 37 C.F.R. §42.104

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US Patent and Trademark Office
PO Box 1450
Alexandria, Virginia 22313-1450

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.14, Nokia Solutions and Networks US LLC and Nokia Solutions and Networks Oy (collectively, "NSN" or "Petitioners") hereby move to seal Petitioners' Petition for *Inter Partes* Review, NSN779-1003, and NSN779-1022 ("Proposed Sealed Documents"). The Proposed Sealed Documents are filed contemporaneously with this Motion.

II. PROTECTIVE ORDER

In the accompanying district court litigation (*Huawei Technologies Co., Ltd. v. T-Mobile US, Inc. and T-Mobile USA, Inc.*, Case No. 2:16-cv-0056 (E.D. Tex.)), Patent Owner has agreed to a protective order. When Patent Owner appears in the present proceeding, Petitioners anticipate that the parties will negotiate a protective order of the same or similar scope.

III. BASIS FOR SEALING CERTAIN EXHIBITS

The *Office Patent Trial Practice Guide* provides that "[t]he rules 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." 77 Fed. Reg. 48756, 48760 (Aug. 14, 2012). Further, those "rules identify confidential information in a manner consistent with Federal Rule of Civil Procedure 26(c)(1)(G), which provides for protective orders for trade secret or other confidential research, development, or commercial information." *Id.* (citing

37 C.F.R. § 42.54); *see also Illumina v. Columbia University*, IPR2013-00011, Paper 66, Aug. 12, 2013 Dec. (granting a motion to seal "technical and business information" and "product development information").

The Proposed Sealed Documents contain information that is subject to the Protective Order entered in the accompanying district court litigation.

(1) **NSN779-1022**. This document contains Patent Owner's Infringement Contentions in the accompanying district court litigation. These Infringement Contentions were marked CONFIDENTIAL by the Patent Owner and, as such, are subject to the Protective Order entered on August 30, 2016. *See Huawei Technologies Co., Ltd. v. T-Mobile US, Inc. and T-Mobile USA, Inc.*, Case No. 2:16-cv-0056, Paper 96 (E.D. Tex. Aug. 30, 2016).

(2) **Petition for *Inter Partes* Review of U.S. Pat. No. 8,537,779**. This Petition for *Inter Partes* Review references and discusses the subject-matter of NSN779-1022, so it should be classified as CONFIDENTIAL. A redacted version of this Petition is provided herewith.

(3) **NSN779-1003**. The Declaration of Mark R. Lanning references and discusses the subject-matter of NSN779-1022, so it should be

classified as CONFIDENTIAL. A redacted version of this exhibit is provided herewith as NSN779-1028.

The aforementioned Proposed Sealed Documents provide evidence of Patent Owner's belief about the scope and meaning of the claims in U.S. Pat. No. 8,537,779. Thus, the Proposed Sealed Documents are necessary to construe any disputed claims.

For the foregoing reasons, the Proposed Sealed Documents described herein should receive a "CONFIDENTIAL" designation and be kept under seal.

January 20, 2017
Date

By: / S. Benjamin Pleune /
S. Benjamin Pleune (52,421)

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e), 42.105, and the agreement of the parties, the undersigned hereby certifies service on the Patent Owner of a copy this motion to seal and its respective exhibits via electronic means to counsel for Huawei at FishServiceList-Huawei/T-MobileEDTX@fr.com.

January 20, 2017
Date

By: / S. Benjamin Pleune /
S. Benjamin Pleune (52,421)