

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ERICSSON INC. and TELEFONAKTIEBOLAGET LM ERICSSON,
Petitioner,

v.

REGENTS OF THE UNIVERSITY OF MINNESOTA,
Patent Owner.

IPR2017-01186 (Patent 8,774,309 B2)
IPR2017-01197 (Patent 7,251,768 B2)
IPR2017-01200 (Patent 8,718,185 B2)
IPR2017-01213 (Patent 8,588,317 B2)
IPR2017-01214 (Patent RE45,230 E)
IPR2017-01219 (Patent RE45,230 E)¹

Before JENNIFER S. BISK, ROBERT J. WEINSCHENK, and
CHARLES J. BOUDREAU, *Administrative Patent Judges*.

WEINSCHENK, *Administrative Patent Judge*.

ORDER

Granting Patent Owner's Revised Motion to Seal
37 C.F.R. § 42.54

¹ These cases have not been joined or consolidated. Rather, this Order governs each case based on common issues. The parties shall not employ this heading style.

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I. INTRODUCTION

Regents of the University of Minnesota (“Patent Owner”) filed a Revised Motion to Seal (*see, e.g.*, IPR2017-01186, Paper 49 (“Revised Motion” or “Mot.”)) portions of Exhibits 2012–2015 and portions of its Preliminary Responses in each of the captioned cases. For the following reasons, the Revised Motion in each case is *granted*.

II. ANALYSIS

There is a strong public policy that favors making information filed in an *inter partes* review open to the public. *Garmin Int’l, Inc. v. Cuozzo Speed Techs. LLC*, IPR2012-00001, Paper 34 at 1–2 (PTAB Mar. 14, 2013). The standard for granting a motion to seal is good cause. 37 C.F.R. § 42.54. That standard includes showing that the information addressed in the motion to seal is confidential. *Garmin*, Paper 34 at 2–3. Further, the parties are encouraged to redact confidential information, where possible, rather than seeking to seal entire documents. Consolidated Trial Practice Guide 22 (Nov. 2019), *available at* <https://www.uspto.gov/sites/default/files/documents/tpgnov.pdf?MURL> (“TPG”).

Patent Owner previously filed motions to seal the entirety of Exhibits 2012–2015 and portions of its Preliminary Responses. *See, e.g.*, IPR2017-01186, Paper 31. We denied that motion without prejudice because 1) Patent Owner did not explain sufficiently why the information in Exhibits 2012–2015 and its Preliminary Responses is confidential; and 2) certain

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information in Exhibits 2012–2015 appeared to have been disclosed publicly. *See, e.g.*, IPR2017-01186, Paper 44, 3–4.

In the Revised Motion, Patent Owner explains that portions of Exhibits 2012–2015 and its Preliminary Responses include “confidential, commercially-sensitive acquisition, purchase, and/or sales agreements between Petitioner Ericsson Inc. and third-party wireless carriers.” Mot. 4–5. With the Revised Motion, Patent Owner filed public versions of Exhibits 2012–2015 and revised public versions of its Preliminary Responses (*see, e.g.*, IPR2017-01186, Paper 50) that redact only the confidential information therein. After considering the Revised Motion, we determine that Patent Owner shows sufficiently that the identified information in Exhibits 2012–2015 and its Preliminary Responses should be sealed pursuant to the Protective Order previously entered in these cases.

III. ORDER

It is hereby

ORDERED that Patent Owner’s Revised Motion in each of the captioned cases is *granted*;

FURTHER ORDERED that the confidential versions of Exhibits 2012–2015 and the Preliminary Responses (IPR2017-01186, Paper 30; IPR2017-01197, Paper 29; IPR2017-01200, Paper 31; IPR2017-01213, Paper 29; IPR2017-01214, Paper 29; IPR2017-01219, Paper 31) are sealed; and

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FURTHER ORDERED that the original public versions of the Preliminary Responses (IPR2017-01186, Paper 29; IPR2017-01197, Paper 28; IPR2017-01200, Paper 30; IPR2017-01213, Paper 28; IPR2017-01214, Paper 28; IPR2017-01219, Paper 29) are expunged.

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