

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

HENDRICKSON USA L.L.C.,
GREAT DANE L.L.C., and
QUEST GLOBAL, INC.,
Petitioners,

v.

TRANS TECHNOLOGIES COMPANY,
Patent Owner

Case IPR2017-01510
U.S. Patent 7,669,465

CORRECTED JOINT MOTION TO SEAL

I. Introduction

On February 26, Petitioners and Patent Owner filed a Joint Motion to Seal Exhibits 2011-2013 and Exhibits 2016-2019. (Paper 9.) In addition to filing redacted and non-redacted versions of these exhibits, Patent Owner filed redacted and non-redacted versions of its Patent Owner Response and Ex. 2034 (Declaration of T. Kim Parnell) because they cite to one or more of Exhibits 2011-2013 and Exhibits 2016-2019. Subsequently, Patent Owner requested leave to file a Corrected Patent Owner Response to address non-substantive, typographical errors. On March 7, the Board granted Patent Owner's request and further authorized the parties to file a corrected Joint Motion to Seal that addresses any additional documents either party reasonably wants sealed such as, for example, Ex. 2034 and the Corrected Patent Owner Response. (Paper 12.)

Pursuant to the Board's Order of March 7th (Paper 12), the parties repeat its motion to seal Exhibits 2011-2013 and Exhibits 2016-2019 as stated in the initial Joint Motion to Seal (Paper 9) and further move to seal Ex. 2034 and the Corrected Patent Owner Response.

II. Overview of The Confidential Documents

In the underlying litigation, Petitioner Hendrickson USA L.L.C. ("Hendrickson") disclosed Exhibits 2011-2013 and Exhibits 2016-2019 to Patent Owner and designated them as confidential pursuant to the District Court's

Protective Order. The District Court modified the Protective Order so that these documents may be used in the instant *inter partes* review proceeding. The parties agreed that Patent Owner may submit the exhibits, designated as Confidential – Attorneys Eyes Only, to the extent that they are submitted with an accompanying motion to seal and filed as “Board Only” documents.

In addition, Patent Owner submitted Ex. 2034 and concurrently submits it Corrected Patent Owner Response, each of which cite to one or more of Exhibits 2011-2013 and Exhibits 2016-2019, thereby making Ex. 2034 and the Corrected Patent Owner Response confidential.

Hendrickson reserves all applicable grounds for objections to Patent Owner’s use of the Exhibits identified herein.

III. Good Cause Exists to Seal The Confidential Documents

The standard for granting a motion to seal is “for good cause.” 37 C.F.R. § 42.54. The party asserting confidentiality must explain why the information sought to be sealed constitutes confidential information. *Medtronic, Inc., v. Robert Bosch Healthcare Systems, Inc.*, IPR2014-00488, paper 60, p.3 (PTAB 2015).

Ex. 2011 (Excerpts of Wilson Deposition) is a set of excerpts taken from the Deposition Transcript of Matt Wilson. Page 145, line 25 to page 146, line 6 are designated confidential. The testimony includes Hendrickson’s sales information for 2015. Hendrickson maintains such information highly confidential and public

disclosure, particularly to competitors, would risk competitive harm to Hendrickson.

Ex. 2012 (HEN0106179) is an email correspondence involving Hendrickson dated September 2009. This document includes Hendrickson internal communications regarding Hendrickson and customer business plans and technical issues, as well as contact information. Hendrickson maintains such information confidential and public disclosure, particularly to competitors, would risk competitive harm to Hendrickson. Hendrickson has redacted this document to exclude such confidential information with the exclusion of information discussing to TransTech products.

Ex. 2013 (HEN0095937) is an email correspondence involving Hendrickson dated June 2012. This document includes Hendrickson internal communications regarding Hendrickson and customer business plans and technical issues, as well as contact information. Hendrickson maintains such information confidential and public disclosure, particularly to competitors, would risk competitive harm to Hendrickson. Hendrickson has redacted this document to exclude such confidential information with the exclusion of information discussing to TransTech products.

Ex. 2016 (HEN0003835) is an April 2013 Power Point presentation created by Hendrickson discussing Marketing Metrics for Hendrickson's Business. This

document shows Hendrickson's sales information for 2008 through 2013 as well as disclosing top customers. Hendrickson maintains such information highly confidential and public disclosure, particularly to competitors, would risk competitive harm to Hendrickson.

Ex. 2017 (HEN0089430) is a November 2009 Power Point Relating to the development of Tiremax Pro. This document shows Hendrickson's internal processes for product development, cost information, analysis of competitors, and technical issues. Hendrickson maintains such information highly confidential and public disclosure, particularly to competitors, would risk competitive harm to Hendrickson.

Ex. 2018 (HEN0106262) is an email correspondence involving Hendrickson dated December 2009. This document includes Hendrickson personnel contact information that Hendrickson generally keeps confidential. Hendrickson has redacted this document to exclude such confidential information.

Ex. 2019 (HEN0106474) is an email correspondence involving Hendrickson dated October 2010. This document includes Hendrickson personnel contact information generally keeps confidential. Hendrickson has redacted this document to exclude such confidential information.

Ex. 2034 (Declaration of T. Kim Parnell) is a declaration submitted by Patent Owner that discusses some of these confidential documents at ¶112 and

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