

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

MULTI PACKAGING SOLUTIONS, INC.,  
Petitioner,

v.

CPI CARD GROUP – MINNESOTA, INC.,  
Patent Owner.

---

Case IPR2017-01650  
Patent 8,419,889 B2

---

Before GRACE KARAFFA OBERMANN, CHRISTOPHER M. KAISER,  
and JEFFREY W. ABRAHAM, *Administrative Patent Judges*.

OBERMANN, *Administrative Patent Judge*.

ORDER

Granting Petitioner's Unopposed Motion to  
Maintain Confidential Information under Seal  
*37 C.F.R. § 42.56*

## I. INTRODUCTION

On May 7, 2018, the Board granted Petitioner’s unopposed motion to seal allegedly confidential documents and, further, granted the parties’ joint request for entry of the Board’s default protective order. Paper 25, 7. Specifically, we determined that Petitioner established good cause to seal information reflected in Patent Owner’s Response (Paper 19) and Exhibits 2014–2018 and 2020. *Id.* at 3–4.

On January 4, 2019, we entered a Final Written Decision holding that all challenged claims—namely, claims 1–30 of U.S. Patent No. 8,419,889 (“the ’889 patent”)—are unpatentable. Paper 36, 46. On March 1, 2019, Patent Owner filed a notice of appeal to the U.S. Court of Appeals for the Federal Circuit. Paper 40.

This Order resolves Petitioner’s Unopposed Motion to Maintain Confidential Information under Seal, which was filed on February 25, 2019, after the entry of the Final Written Decision but before the filing of Patent Owner’s notice of appeal. Paper 37 (“Mot.”).

## II. ANALYSIS

Petitioner acknowledges that our rules contemplate that sealed information ordinarily will become public 45 days after final judgment in a trial, unless a motion to expunge is filed during that period. Mot. 4 (citing Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48761 (Aug. 14, 2012); 37 CFR § 42.56). In this case, our Final Written Decision refers to the allegedly confidential information filed under seal, without disclosing the confidential substance of that information. Paper 36, 33–35. Although we did not specifically credit that information, for purposes of our decision, “we assume[d]” that the information demonstrated “that Petitioner did, in

Case IPR2017-01650  
Patent 8,419,889 B2

fact, copy the claimed invention” of the ’889 patent. *Id.* at 33. Given the particular facts and circumstances presented in this case, we find that good cause exists to preserve the record, and maintain the allegedly confidential documents under seal, during the pendency of any appeals.

### III. CONCLUSION

Accordingly, we *grant* Petitioner’s request to extend the deadline to file a motion to expunge confidential information to 45 days after the conclusion of any appeals (Mot. 4), including the appeal filed by Patent Owner on March 1, 2019 (Paper 40).

### IV. ORDER

It is

ORDERED that Petitioner’s Unopposed Motion to Maintain Confidential Information under Seal is *granted*;

FURTHER ORDERED that the record shall be preserved and the documents filed under seal shall not be expunged or made public until after the completion of all appeals; and

FURTHER ORDERED that the documents filed under seal shall be unsealed 45 days after the conclusion of all appeals, unless, before that time, the parties file a motion to expunge the sealed documents from the record.

Case IPR2017-01650

Patent 8,419,889 B2

For PETITIONER:

Mark Rowland

Gabrielle Higgins

ROPES & GRAY LLP

mark.rowland@ropesgray.com

gabrielle.higgins@ropesgray.com

For PATENT OWNER:

Michael Scheer

THE LAW OFFICE OF MICHAEL J. SCHEER

mscheer@michaelscheer.com

Pejman Sharifi

Louis Campbell

WINSTON & STRAWN LLP

psharifi@winston.com

llcampbell@winston.com