

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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TELESIGN CORPORATION  
Patent Owner,

v.

TWILIO INC.  
Patent Owner

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Case IPR2017-01977  
Patent 8,755,376

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**PATENT OWNER'S UNOPPOSED MOTION TO SEAL PATENT  
OWNER'S RESPONSE and EXHIBITS 2025-2027, 2047-2054, and 2063-2066  
UNDER 37 C.F.R. §§ 42.14 and 42.54**

Pursuant to 35 U.S.C. § 316(a)(1) and 37 C.F.R. §§ 42.14 and 42.54, Patent Owner Twilio Inc. (“Patent Owner”) respectfully requests that the Board seal Exhibit 2025, “January 13, 2014 Email from Darren Berkovitz and Charles McColgan with attachment, bates stamped TLS\_00022310-18,” Exhibit 2026, “November 21, 2011 Email from Charles McColgan to Maya Sudhakar, bates stamped TLS\_00021739-41,” Exhibit 2027, “April 19, 2012 Email from Raman Dhillon, bates stamped TLS\_00021863,” and portions of Exhibits 2047-2054 and 2063-2066, all labeled “Twilio Salesforce Account Summary.” Patent Owner additionally requests that the Board seal portions of Patent Owner’s Response that contain information from these Exhibits. Sealing the material set forth below is appropriate and necessary to protect the non-public information of Petitioner TeleSign Corp. (“Petitioner”) and the confidential personal information of non-parties to this proceeding.

#### **I. Reasons for Relief Requested**

On June 21, the Board granted the parties’ Joint Motion for Modification of the Default Protective Order and entered the attached Stipulated Protective Order (Appendix A). *See* Paper 25. The Stipulated Protective Order grants the same permissions regarding filing documents under seal or filing redacted versions of documents containing both confidential and non-confidential as the Default

Protective Order of this Board (Appendix B of the *Office Patent Trial Practice Guide*, 77 Fed. Reg. 48756, 48771 (Aug. 14, 2012)). The standard for granting a motion to seal is “good cause.” 37 C.F.R. § 42.54. The *Office Patent Trial Practice Guide* provides that “the 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. at 48760. 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). “Where confidentiality is alleged as to some but not all of the information submitted to the [Patent Trial and Appeal Board (‘PTAB’ or ‘Board’)], the submitting party shall file confidential and non-confidential versions of its submission, together with a Motion to Seal the confidential version setting forth the reasons why the information redacted from the non-confidential version is confidential and should not be made publicly available.” *Id.* at 48770.

Exhibits 2025-2027 are internal emails among Petitioner’s employees regarding product development. Petitioner produced these documents in this proceeding in response to the Board’s Decision Granting Patent Owner’s Motion for Discovery. *See* Paper 23. Petitioner marked the exhibits as “PROTECTIVE

ORDER MATERIAL” in accordance with the provisions of the Stipulated Protective Order. These documents are relevant to these proceedings as they demonstrate a long-felt need for Patent Owner’s inventions existed in the market and show Petitioner’s copying of Patent Owner’s products. In particular, these documents contain information showing Petitioner’s cofounder’s and other employees’ access of Patent Owner’s patented technology, how that information was used by Petitioner, customer requests for Petitioner’s resulting infringing products, efforts and time invested in Petitioner’s infringing product development, and customer requests that led to the product development. Petitioner asserts that these documents contain confidential information that would damage Petitioner’s business if it were made public. Good cause exists to seal these emails to allow submission of relevant evidence in this proceeding that has been deemed confidential business information by Petitioner.

Exhibits 2047-2054 and 2063-2066 are reports from Patent Owner’s internal database showing the account status of various Twilio accounts opened by Petitioner. Pursuant to paragraph 5(A)(ii) of the Stipulated Protective Order, Patent Owner has submitted both confidential and non-confidential versions of these exhibits. In the non-confidential versions, Patent Owner has redacted certain personal identification information from these exhibits, such as email addresses,

account numbers, and names. These redactions are necessary to allow submission of relevant evidence in this proceeding while protecting confidential information of individuals, including non-parties.

Patent Owner's Response includes confidential information from the foregoing exhibits. *See* Paper No. 28 at 58-59, 64. Patent Owner requests that the unredacted copy of its Response be sealed as "PROTECTIVE ORDER MATERIAL." Pursuant to paragraph 5(A)(ii) of the Stipulated Protective Order, Patent Owner has filed a non-confidential redacted version of its Response as Paper No. 26. The confidential version of Patent Owner's Response and Exhibits 2025-2027, 2047-2054, and 2063-2066 are being filed as accessible to "Parties and Board Only."

**II. Certification of Conference with Opposing Party Pursuant to 37 C.F.R. § 42.54**

Patent Owner, in good faith, met and conferred with Petitioner regarding this motion to seal. Petitioner does not object to sealing Exhibits 2025-2027 that were produced by Petitioner under the "PROTECTIVE ORDER MATERIAL" designation.

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