

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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CASCADES CANADA ULC,  
Petitioner,

v.

ESSITY PROFESSIONAL HYGIENE NORTH AMERICA LLC,<sup>1</sup>  
Patent Owner.

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Case IPR2017-02198  
Patent 8,273,443 B2

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Before JO-ANNE M. KOKOSKI, KRISTINA M. KALAN, and  
JON B. TORNQUIST, *Administrative Patent Judges*.

TORNQUIST, *Administrative Patent Judge*.

ORDER

Granting Patent Owner's Motion to Seal and Entering Protective Order  
*37 C.F.R. §§ 42.14, 42.54*

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<sup>1</sup> After institution, Patent Owner changed its name from SCA Tissue North America, LLC, the originally named Patent Owner, to Essity Professional Hygiene North America LLC. Paper 10.

Patent Owner has moved to seal portions of the deposition transcript of Mr. Paul Carlson. Paper 28 (“Mot.”). Patent Owner contends its motion to seal should be granted because portions of the deposition transcript of Mr. Carlson contain “valuable, proprietary, and non-public information about Patent Owner’s technical personnel, operations, sales, and machinery.” Mot. 4–5. Patent Owner filed redacted and unredacted versions of Mr. Carlson’s deposition testimony as Exhibit 1041, and represents that Petitioner does not oppose its motion to seal. *Id.* at 3; Ex. 1041.

The Motion includes a proposed Protective Order that is based on the Board’s default protective order, but modified to omit the parties and experts employed by a party from the list of individuals who may have access to confidential information. Mot. 4–7; Ex. 2013 (proposed protective order); Ex. 2014 (redlined protective order showing proposed changes from the Board’s default protective order).

The Board’s 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.” *See* Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,760 (Aug. 14, 2012). In this case, the parties represent that they do not cite or rely on any confidential information in their briefs (Mot. 3), nor does the Final Written Decision rely on any of the confidential information identified by Patent Owner. Paper 40. Thus, the parties’ arguments and the Board’s analysis may be understood on the current record, without the need to make public any of the materials Patent Owner seeks to be maintained under seal. Accordingly, we grant

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Patent Owner's motion to seal the deposition transcript of Mr. Carlson, and we enter the proposed Protective Order.

It is, therefore,

ORDERED that Patent Owner's motion to seal (Paper 28) is *granted*;  
and

FURTHER ORDERED that the proposed Protective Order (Ex. 2013) is entered.

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PETITIONER:

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