

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

SEVEN NETWORKS, LLC,
Patent Owner.

Case IPR2018-01048
Patent 9,516,129 B2

Before THU A. DANG, KARL D. EASTHOM, and
JACQUELINE T. HARLOW, *Administrative Patent Judges*.

DANG, *Administrative Patent Judge*.

DECISION
Granting Motions to Seal and Expunge
37 C.F.R. §§ 42.14, 42.54, 42.56

I. INTRODUCTION

Petitioner filed a Motion to Seal (Paper 3) Exhibit 1034, and a Motion to Seal (Paper 17) portions of its Reply (Paper 18) to the Preliminary Response and Exhibits 1040, 1043, 1047, 1048, and 1051.¹ Patent Owner filed a Motion to Seal (Paper 15) portions of its Preliminary Response (Paper 11), and a Motion to Seal (Paper 22) portions of its Sur-Reply (Paper 20) to the Reply and Exhibits 2056–2058.² Neither party filed an opposition to the other party’s Motions to Seal. Petitioner filed an Unopposed Motion to Expunge all the sealed documents. Paper 37. For the following reasons, the Motions to Seal and Expunge are *granted*.

II. ANALYSIS

The record for an *inter partes* review shall be made available to the public, except as otherwise ordered, and a document filed with a motion to seal shall be treated as sealed until the motion is decided. 35 U.S.C. § 316(a)(1); 37 C.F.R. § 42.14. 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*, Case IPR2012-00001, slip op. 1–2 (PTAB Mar. 14, 2013) (Paper 34). The moving party bears the burden of showing that the relief requested should be granted. 37 C.F.R. § 42.20(c). The standard for granting a motion to seal is good cause, which includes showing that the information addressed in the motion to seal is truly

¹ Petitioner filed a public redacted version of its Reply (Paper 19) and a public redacted version of Exhibit 1040.

² Patent Owner filed public redacted versions of its Preliminary Response (Paper 12) and Sur-Reply (Paper 21), and public redacted versions of Exhibits 2056–2058.

confidential, and that such confidentiality outweighs the strong public interest in having the record open to the public. 37 C.F.R. § 42.54; *Garmin*, Case IPR2012-00001, slip op. 2–3 (Paper 34).

The parties agreed to a Revised Protective Order. Paper 17, 2; Paper 22, 2. The agreed Revised Protective Order (Paper 17, Appendix A; Paper 22, Attachment A) is entered in this proceeding.

The parties argue that Exhibit 1034 and the Preliminary Response contain confidential information relating to Petitioner’s corporate document management. Paper 3, 3–4; Paper 15, 1. The parties also argue that releasing the confidential information to the public would be harmful to the Petitioner, and the public’s interest in the confidential information is minimal because the declaration of Jordan Schnaps (Exhibit 1031) contains a sufficient public description of the contents of Exhibit 1034 without releasing any sensitive information. Paper 3, 2–4; Paper 15, 1. The parties have shown sufficiently that the identified information may be sealed.

The parties further argue that the Reply, Sur-Reply, and Exhibits 1040, 1043, 1047, 1048, 1051, and 2056–2058 contain confidential information relating to legal agreements and communications between Petitioner and Samsung. Paper 17, 2–4; Paper 22, 6–7. The parties also argue that the public’s interest in the confidential information is minimal because it relates to real party in interest and privy issues and otherwise is not relevant to the merits of the case. Paper 17, 4; Paper 22, 3–4.

Also, the Decision on Institution (Paper 23) discusses some of the confidential information, and, thus, was sealed. The parties jointly filed a proposed redacted version of the Decision on Institution (Exhibit 1056), which was entered in the public record.

The parties have shown that good cause exists to seal and expunge the identified information.

III. ORDER

It is hereby

ORDERED that the Motions to Seal and Expunge are *granted*;

FURTHER ORDERED that the agreed Revised Protective Order (Paper 17, Appendix A; Paper 22, Attachment A) is entered in this proceeding; FURTHER ORDERED that Exhibits 1034, 1043, 1047, 1048, 1051, and the confidential versions of the Preliminary Response (Paper 11), Reply (Paper 18), Sur-Reply (Paper 20), and Exhibits 1040 and 2056–58, are sealed and shall be expunged; and

FURTHER ORDERED that the confidential version of the Decision on Institution (Paper 23) shall be expunged.

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