

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

SEVEN NETWORKS, LLC,
Patent Owner.

Case IPR2018-01050 (Patent 9,247,019 B2)
Case IPR2018-01118 (Patent 9,325,600 B2)¹

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

EASTHOM, *Administrative Patent Judge*.

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

¹ This Decision applies to each of the listed cases. The parties are not authorized to use this caption for subsequent papers.

IPR2018-01050 (Patent 9,247,019 B2)

IPR2018-01118 (Patent 9,325,600 B2)

I. INTRODUCTION

Petitioner filed a Motion to Seal (Paper 14) portions of its Reply (Paper 15) to the Preliminary Response and Exhibits 1040, 1043, 1047, 1048, and 1051.^{2,3} Patent Owner filed a Motion to Seal (Paper 11) portions of its Preliminary Response (Paper 9) and Exhibits 2056, 2057, 2061, 2068, and 2069, and a Motion to Seal (Paper 19) portions of its Sur-Reply (Paper 18) to the Reply.⁴ Petitioner filed an Unopposed Motion to Expunge all the sealed documents. Paper 31. Neither party filed an opposition to the other party's Motion(s) to Seal. 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

² We refer to the motions and exhibits filed in IPR2018-01050. Similar motions, and exhibits with the same Exhibit numbers, were filed in IPR2018-01118.

³ Petitioner filed a public redacted version of its Reply (Paper 16) and a public redacted version of Exhibit 1040.

⁴ Patent Owner filed public redacted versions of its Preliminary Response (Paper 10) and Sur-Reply (Paper 17).

IPR2018-01050 (Patent 9,247,019 B2)

IPR2018-01118 (Patent 9,325,600 B2)

includes showing that the information addressed in the motion to seal is truly 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 11, 1–2; Paper 14, 2. The agreed Revised Protective Order (Paper 11, Attachment A; Paper 14, Appendix A) is entered in each of the above-listed proceedings.

The parties argue that the Preliminary Response, Reply, Sur-Reply, and Exhibits 1040, 1043, 1047, 1048, 1051, 2056, 2057, 2061, 2068, and 2069, in each of the above-listed proceedings, contain confidential information relating to legal agreements and communications between Petitioner and Samsung. Paper 11, 5–7; Paper 14, 2–4; Paper 19, 5. 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 11, 3–4; Paper 14, 4; Paper 19, 3–4.

Also, the Decision on Institution (Paper 20) 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 in IPR2018-01050

IPR2018-01050 (Patent 9,247,019 B2)

IPR2018-01118 (Patent 9,325,600 B2)

(Papers 11, 14, 19, and 31) and IPR2018-01118 (Papers 12, 17, 20, and 23) are *granted*;

FURTHER ORDERED that, in IPR2018-01050, the agreed Revised Protective Order (Paper 11, Attachment A; Paper 14, Appendix A) is entered;

FURTHER ORDERED that, in IPR2018-01050, Exhibits 1043, 1047, 1048, 1051, 2056, 2057, 2061, 2068, and 2069, and the confidential versions of the Preliminary Response (Paper 9), Reply (Paper 15), Sur-Reply (Paper 18), and Exhibit 1040, are sealed;

FURTHER ORDERED that, in IPR2018-01118, the agreed Protective Order (Paper 12, Attachment A; Paper 17, Attachment A) is entered;

FURTHER ORDERED that, in IPR2018-01118, Exhibits 1043, 1047, 1048, 1051, 2056, 2057, 2061, 2068, and 2069, and the confidential versions of the Preliminary Response (Paper 10), Reply (Paper 14), Sur-Reply (Paper 19), and Exhibit 1040, are sealed; and

FURTHER ORDERED that the confidential version of the Decision on Institution in IPR2018-01050 (Paper 20) shall be expunged.

IPR2018-01050 (Patent 9,247,019 B2)

IPR2018-01118 (Patent 9,325,600 B2)

PETITIONER:

Erika H. Arner

Rachel Emsley

Kara Specht

FINNEGAN, HENDERSON, FARABOW,

GARRETT & DUNNER LLP

erika.arners@finnegan.com

rachel.emsley@finnegan.com

kara.specht@finnegan.com

PATENT OWNER:

Kenneth J. Weatherwax

Edward Hsieh

Parham Hendifar

LOWENSTEIN & WEATHERWAX LLP

weatherwax@lowensteinweatherwax.com

hsieh@lowensteinweatherwax.com

hendifar@lowensteinweatherwax.com