

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

SEVEN NETWORKS, LLC,
Patent Owner.

Case IPR2018-01052
Patent 9,516,127 B2

Before THU A. DANG, JONI Y. CHANG, and
JACQUELINE T. HARLOW, *Administrative Patent Judges*.

CHANG, *Administrative Patent Judge*.

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

Petitioner filed a Motion to Seal (Paper 15) portions of its Reply (Paper 16) to Patent Owner's Preliminary Response, and Exhibits 1040, 1043, 1047, 1048, and 1051.¹ Patent Owner filed a Motion to Seal (Paper 20) portions of its Sur-reply (Paper 18) and Exhibits 2056, 2057, and 2058.² Neither party files an opposition to any of the Motions to Seal. For the following reasons, the Motions to Seal are *granted*.

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 *inter partes* review proceedings open to the public. *Garmin Int'l v. Cuozzo Speed Techs., LLC*, Case IPR2012-00001, slip op. at 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). That includes showing that the information is truly confidential, and that such confidentiality outweighs the strong public interest in having an open record. *See Garmin*, Case IPR2012-00001, slip op. at 3. The standard for granting a motion to seal is good cause. 37 C.F.R. § 42.54.

The parties 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 15, 3–4; Paper 20, 6–7. The parties also argue that the public's

¹ Petitioner submitted a public redacted version of its Reply (Paper 17) and a public redacted version of Exhibit 1040.

² Patent Owner submitted a public redacted version of its Sur-reply (Paper 19) and public redacted versions of Exhibits 2056, 2057, and 2058.

interest in the confidential information is minimal because it relates to real party in interest and privity issues and otherwise is not relevant to the merits of the case. Paper 15, 4–5; Paper 20, 4. The parties have shown sufficiently that the identified information may be sealed.

In addition, our Decision on Institution (Paper 21) is filed under seal, as it discusses and cites to the documents under seal. The parties jointly filed a proposed redacted version of the Decision in Exhibit 1056, which also has been entered into the record as Paper 28. Paper 23.

Lastly, the parties agreed to a Revised Protective Order. Paper 15, 2; Paper 20, 1. The agreed Revised Protective Order (Paper 15, Attachment A; Paper 20, Attachment A) is entered in this proceeding.

ORDER

In consideration of the foregoing, it is

ORDERED that the Motions to Seal are *granted*;

FURTHER ORDERED that Exhibits 1043, 1047, 1048, and 1051, and the confidential versions of the Reply (Paper 16), Sur-reply (Paper 18), and Exhibits 1040 and 2056–2058 are sealed; and

FURTHER ORDERED that the agreed Protective Order (Paper 15, Attachment A; Paper 20) is entered in this proceeding.

IPR2018-01052
Patent 9,516,127 B2

For PETITIONER:

Erika Arner
Rachel Emsley
Finnegan, Henderson, Farabow, Garrett, & Dunner LLP
erika.arnier@finnegan.com
rachel.emsley@finnegan.com

For PATENT OWNER:

Kenneth Weatherwax
Edward Hsieh
Parham Hendifar
Nathan Lowenstein
Lowenstein & Weatherwax LLP
weatherwax@lowensteinweatherwax.com
hsieh@lowensteinweatherwax.com
hendifar@lowensteinweatherwax.com
lowenstein@lowensteinweatherwax.com