

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE LLC,  
Petitioner,

v.

SEVEN NETWORKS, LLC,  
Patent Owner.

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Case IPR2018-01102  
Patent 8,811,952

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Before JONI Y. CHANG, THOMAS L. GIANNETTI, and  
ROBERT J. WEINSCHENK, *Administrative Patent Judges*.

GIANNETTI, *Administrative Patent Judge*.

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

## I. INTRODUCTION

The following Motions to Seal are pending:

1. Petitioner filed a Motion to Seal portions of Exhibit 1040, a declaration of Google employee Joseph Shear. A redacted public version of the declaration has been submitted. Paper 13. Petitioner also moves to seal Exhibits 1043, 1047, 1048, and 1051. The Motion is not opposed.

2. Patent Owner has moved to seal certain portions of Patent Owner's Authorized Sur-Reply (Paper 14) and Exhibits 2056, 2057, and 2058. Paper 16. Redacted public versions of these documents have been submitted. The Motion is not opposed.

3. In addition, both Petitioner and Patent Owner move for entry of a revised Protective Order based on the Board's Default Protective Order. Paper 13, Attachment A; Paper 16, Attachment A. The same form of order has been submitted by the parties.

In addition, the parties jointly filed a proposed redacted version of the Decision on Institution (Ex. 1056) which was entered in the public record. Paper 18.

For the following reasons, the Motions to Seal are *granted*.

## II. ANALYSIS

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 standard for granting a motion to seal is good cause. 37 C.F.R. § 42.54. That standard 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. *See Garmin*, Case IPR2012-00001, slip op. 2–3 (Paper 34).

The parties have agreed to the form of Protective Order found in Appendix A to each party’s Motion. The agreed Protective Order is entered in this proceeding.

Petitioner argues Exhibit 1040 (Shear declaration) includes highly sensitive information pertaining to the internal policies and procedures of Google LLC and certain of its affiliates, and legal agreements between Google LLC and Samsung. Paper 13, 3.

Petitioner argues Exhibit 1043 contains highly confidential information pertaining to Google LLC’s financial records. *Id.*

Petitioner argues Exhibit 1047 contains highly confidential communications exchanged between Google and Samsung. *Id.* at 3–4.

Petitioner argues Exhibits 1048 and 1051 contain highly confidential information pertaining to the relationship between Google and Samsung. *Id.* at 4.

Petitioner argues that the pre-institution Reply (Paper 10) and Exhibits 1040, 1043, 1047, 1048, and 1051 contain confidential information “the public disclosure of which could cause Petitioner irreparable harm.” *Id.* at 4.

Patent Owner argues the designated materials sought be sealed were obtained from Samsung. Patent Owner states Samsung represents that they contain business materials that are confidential to Samsung and Google. Paper 16, 3–4. Patent Owner argues Exhibits 2056, 2057, and 2058 contain highly confidential communications between Samsung and Google. *Id.* at 5–7.

We observe that the relevance of these exhibits to the merits of this case is minimal because they relate only to real party-in-interest and privy issues and are therefore not relevant to the merits. Balancing the potential harm to the parties against the need for public disclosure, we determine that parties have shown sufficiently that the identified information should be sealed.

The Decision on Institution (Paper 17) 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 will be entered in the public record.

### III. ORDER

It is hereby

ORDERED that the pending Motions to Seal are *granted*;

FURTHER ORDERED that the agreed Protective Order (Exhibit A to Papers 13 and 16) is entered in this proceeding; and

FURTHER ORDERED that Petitioner's Exhibits 1040, 1043, 1047, 1048, and 1051, Patent Owner's Exhibits 2056, 2057, and 2058, and the confidential versions of the Reply to the Preliminary Response (Paper 10), and Sur-reply (Paper 14) are sealed.

IPR2018-01102  
Patent 8.811,952

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