

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner,

v.

SEVEN NETWORKS, LLC,
Patent Owner.

Case IPR2018-01106
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 two Motions to Seal (Papers 16 and 17) certain portions of its Reply (Papers 14 and 15) to Patent Owner’s Preliminary Response, and Exhibits 1030–1035, 1047, 1048, and 1051.¹ Patent Owner filed a Motion to Seal (Paper 20) portions of its Sur-reply² (Papers 18 and 19) because the Sur-reply contains “the same information Petitioner has moved to seal” and “is redacted to protect highly sensitive information pertaining to legal agreements and confidential communications between Samsung and Google LLC.” Paper 20, 1–2. Neither party files an opposition to any of the Motions to Seal.

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.

¹ Petitioner submitted a confidential version and a public redacted version of its Reply and Exhibits 1030 and 1035.

² Patent Owner submitted a confidential version and a public redacted version of its Sur-reply.

Upon considerations of the parties' Motions to Seal, we determine that good cause exists to keep the confidential information in Petitioner's Reply, Patent Owner's Sur-reply, and Exhibits 1030–1035, 1047, 1048, and 1051 under seal as they related to confidential business information. For example, Exhibit 1030 contains a Declaration from Mr. Joseph Sear, an attorney for Google LLC. Ex. 1030 ¶ 1. As Petitioner explains, "Exhibit 1030 is a document provided to Samsung by Google LLC subject to a Revised Protective Order . . . entered into between Google LLC and SEVEN Networks, LLC in IPR2018-01102." Paper 16, 1. Petitioner moves to seal Exhibit 1030 "to protect highly sensitive information pertaining to structure and operation of Google LLC, the internal policies and procedures of Google LLC and certain of its affiliates, and legal agreements between Google LLC and Samsung." *Id.* at 2. And "[t]he information that is requested to be sealed is being submitted only to rebut Patent Owner's arguments regarding real party-in-interest and privity," and "is otherwise unimportant to the merits of this proceeding, and therefore the public's interest in having access to this information is minimal." *Id.*

Accordingly, we agree with the parties that the confidential information in Petitioner's Reply, Patent Owner's Sur-reply, and Exhibits 1030–1035, 1047, 1048, and 1051 should be kept under seal. The parties' Motions to Seal are hereby granted.

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 1052, which also has been entered into the record as Paper 30. Paper 23.

Lastly, along with each of their Motions to Seal, the parties filed a Stipulated Default Protective Order. Paper 16, Attachment A; Paper 17, Attachment A; Paper 20, Attachment A. The Stipulated Default Protective Orders agreed to by the parties are copies of the default Protective Order set forth in Appendix B of the Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,756–66 (Aug. 14, 2012). As such, we hereby enter the Stipulated Default Protective Orders, which govern the treatment and filing of confidential information in the instant proceeding.

ORDER

In consideration of the foregoing, it is

ORDERED that Petitioner’s Motions to Seal (Papers 16 and 17) and Patent Owner’s Motion to Seal (Paper 20) are *granted*;

FURTHER ORDERED that the confidential versions of Petitioner’s Reply (Paper 15), Patent Owner’s Sur-reply (Paper 18), Decision on Institution (Paper 21), and Exhibits 1030 and 1035, shall be kept under seal as “Board and Parties Only”; and that each of Exhibits 1031–1034, 1047, 1048, and 1051, in its entirety, shall be kept under seal as “Board and Parties Only”; and

FURTHER ORDERED that the Stipulated Default Protective Orders (Paper 16, Attachment A; Paper 17, Attachment A; Paper 20, Attachment A) be entered.

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Patent 9,516,127 B2

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