

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

SEVEN NETWORKS, LLC,
Patent Owner.

Case IPR2018-01115
Patent 8,078,158 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 12) portions of its Reply (Paper 9) to the Preliminary Response and Exhibits 1040 and 1043.¹ Patent Owner filed a Motion to Seal (Paper 13) portions of its Sur-Reply (Paper 15) to the Reply.² Neither party filed an opposition to the other party's Motion to Seal. Petitioner filed an Unopposed Motion to Expunge all the sealed documents. Paper 25. 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 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*,

¹ Petitioner filed a public redacted version of its Reply (Paper 10) and a public redacted version of Exhibit 1040.

² Patent Owner filed a public redacted version of its Sur-Reply (Paper 14).

Case IPR2012-00001, slip op. 2–3 (Paper 34).

The parties agreed to a Revised Protective Order. Paper 12, 2; Paper 13, 3. The agreed Revised Protective Order (Paper 12, Attachment A; Paper 13, Attachment A) is entered in this proceeding.

The parties argue that the Reply, Sur-Reply, and Exhibits 1040 and 1043 contain confidential information relating to legal agreements and communications between Petitioner and Samsung. Paper 12, 2–3; Paper 13, 6. 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 12, 3–4; Paper 13, 4–5. The parties have shown sufficiently that the identified information may be sealed.

Also, the Decision on Institution (Paper 16) 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.

III. ORDER

It is hereby

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

FURTHER ORDERED that the agreed Revised Protective Order (Paper 12, Attachment A; Paper 13, Attachment A) is entered in this proceeding;

FURTHER ORDERED that Exhibit 1043, and the confidential versions of the Reply (Paper 9), Sur-Reply (Paper 15), and Exhibit 1040, are sealed and shall be expunged; and

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FURTHER ORDERED that the confidential version of the Decision on Institution (Paper 16) shall be expunged.

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