

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 IPR2018-01125
Patent 9,351,254 B2

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

WEINSCHENK, *Administrative Patent Judge*.

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

I. INTRODUCTION

Petitioner filed Motions to Seal (Papers 13, 14) portions of its Reply (Paper 16) to the Preliminary Response and Exhibits 1030–1035, 1047, 1048, and 1051.¹ Patent Owner filed a Motion to Seal (Paper 19) portions of its Sur-reply (Paper 17) to the Reply.² Neither party filed an opposition to any of the Motions to Seal. 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 agreed to the Protective Order found in Appendix B of the Office Patent Trial Practice Guide. Paper 14, 1; Paper 19, 2. The agreed Protective Order (Paper 14, Attachment A; Paper 19, Attachment A) is entered in this proceeding.³

¹ Petitioner filed a public redacted version of its Reply (Paper 15) and public redacted versions of Exhibits 1030 and 1035.

² Patent Owner filed a public redacted version of its Sur-reply (Paper 18).

³ Petitioner agreed to treat Exhibit 1030, which contains confidential information of Google LLC, according to a Revised Protective Order that Google LLC and Patent Owner agreed to in another case. Paper 13, 1, Attachment A; Paper 14, 1.

The parties argue that the Reply, Sur-reply, and Exhibits 1030–1035, 1047, 1048, and 1051 contain confidential information relating to legal agreements and communications between Petitioner and Google LLC. Paper 13, 2; Paper 14, 2–4; Paper 19, 2. The parties also argue that the public’s 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 13, 2; Paper 14, 4. The parties have shown sufficiently that the identified information may be sealed.

Also, the Decision on Institution (Paper 21) discusses some of the confidential information, and, thus, was sealed. The parties jointly filed a proposed redacted version of the Decision on Institution (Exhibit 1052), which was entered in the public record.

III. ORDER

It is hereby

ORDERED that the Motions to Seal are *granted*;

FURTHER ORDERED that the agreed Protective Order (Paper 14, Attachment A; Paper 19, Attachment A) is entered in this proceeding; and

FURTHER ORDERED that Exhibits 1031–1034, 1047, 1048, and 1051, and the confidential versions of the Reply (Paper 16), Sur-reply (Paper 17), and Exhibits 1030 and 1035 are sealed.

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