

Filed: August 15, 2019

Filed on behalf of:

RED.COM, LLC

By: Joseph R. Re

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

RED.COM, LLC,
Patent Owner.

Case No. IPR2019-01065

Patent No. 9,245,314

**PATENT OWNER RED.COM, LLC'S
MOTION TO SEAL UNDER 37 C.F.R. § 42.54**

MOTION TO SEAL UNDER 37 C.F.R. § 42.54

Pursuant to 37 C.F.R. § 42.54, Patent Owner RED.COM, LLC hereby respectfully moves to seal Exhibit 2010 that includes Patent Owner's confidential and proprietary business and technical information. Good cause exists for sealing the information contained therein. Patent Owner is concurrently filing a redacted version of Exhibit 2010 that will be publicly available.

Patent Owner has conferred with Petitioner Apple Inc. regarding this Motion, and Petitioner has stated that it does not oppose this Motion.

Patent Owner has indicated to Petitioner that Patent Owner proposes using the Board's model Default Protective Order set forth in the July 2019 Office Patent Trial Practice Guide Update as the Protective Order. Petitioner has not objected.

A. Good Cause Exists for Sealing Certain Confidential Information

Patent Owner submits that this Motion to Seal protects Patent Owner's truly sensitive information while not significantly impacting the public's interest in maintaining a complete and understandable file history. Concurrently with its submission of Exhibit 2010, which it requests to be sealed, Patent Owner will file a public version of Exhibit 2010 with Patent Owner's confidential information redacted.

Exhibit 2010 is Patent Owner's business record containing confidential and proprietary technical and business information relating to Patent Owner's products.

Exhibit 2010 has been marked “Confidential” on its pages since its creation and treated accordingly by Patent Owner in the ordinary course of its business. Exhibit 2010 should be sealed because the public disclosure of Patent Owner’s confidential and proprietary technical and business information would competitively harm Patent Owner by exposing Patent Owner’s confidential and proprietary technology and business information to potential competitors.

Accordingly, Patent Owner seeks to seal the unredacted version of Exhibit 2010 containing the above confidential information.

B. Certification of Non-Publication

On behalf of Patent Owner, undersigned counsel certifies that, to the best of its knowledge, the information sought to be sealed by this Motion to Seal has not been published or otherwise made available to the public. Efforts to maintain the confidentiality of this information have been undertaken by Patent Owner and its internal confidential business and product development procedures.

**C. Certification of Conference with Opposing Party Pursuant to
37 C.F.R. § 42.54**

Patent Owner certifies that it has conferred in good faith with counsel for Petitioner concerning the subject of this Motion. Petitioner has stated that it does not oppose this Motion. Patent Owner has conferred with Petitioner regarding its

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proposal to use the Board's model Default Protective Order and Petitioner has not objected.

D. Proposed Protective Order

The Protective Order attached as Exhibit 2025 is the Board's Default Protective Order, and Patent Owner proposes the Parties be bound by it in the above-identified IPR.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: August 15, 2019

By: /Douglas G. Muehlhauser/

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CERTIFICATE OF SERVICE

I hereby certify that, pursuant to 37 C.F.R. § 42.6(e)(1) and agreement of the parties, a true and correct copy of the foregoing **PATENT OWNER RED.COM, LLC'S MOTION TO SEAL UNDER 37 C.F.R. § 42.54 and EXHIBIT 2025** are being served via email on August 15, 2019 to counsel for **Apple Inc.** at the email addresses below:

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