

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Microsoft Corporation and HP Inc.,
Petitioners,

v.

Syncloud Technologies, LLC,
Patent Owner.

Case No. IPR2020-00316
U.S. Patent No. 9,098,526

**PETITIONERS MICROSOFT AND HP'S MOTION TO SEAL
CONFIDENTIAL INFORMATION PURSUANT TO 37 C.F.R. §§
42.14 & 42.54**

In accordance with 37 C.F.R. §§ 42.14 and 42.54, and the Modified Protective Order that Patent Owner entered on September 21, 2020 (Ex. 2036) in this proceeding, Petitioners Microsoft Corporation and HP, Inc. hereby submits this Motion to Seal the “secondary considerations” section of their Reply to Patent Owner’s Preliminary Response because it discusses and quotes previously sealed Exhibits 2029 and 2030.

Petitioners submit, concurrently with this motion, redacted and unredacted versions of Petitioners’ Reply to Patent Owner’s Response in accordance with the Protective Order. *See* Paper 32 (Confidential Reply); Paper 33 (Public Reply).

I. RELIEF REQUESTED

Documents filed in an inter partes review are generally available to the public. *See* 37 C.F.R. § 42.14. However, the Board may, for good cause, protect confidential information from public disclosure. *See* 37 C.F.R. § 42.54; *see also* *Garmin Int’l v. Cuozzo Speed Tech., LLC*, IPR2012-00001, Paper 26, at 3-4 (Mar. 5, 2013). The IPR rules “identify confidential information in a manner consistent with Fed. R. Civ. P. 26(c)(1)(G).” Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48760 (Aug. 14, 2012) (citing 37 C.F.R. § 42.54). When determining good

cause, the Board must “strike a balance between the public’s interest in maintaining a complete and understandable file history and the parties’ interest in protecting truly sensitive information.” *Id.*

As such, Patent Owner has previously asserted that good cause exists for maintaining Exhibits 2029 and 2030 under seal, which Petitioners do not oppose.

Further, Patent Owner has previously moved to seal Exhibits 2029 and 2030, claiming that they include allegedly sensitive business information. *See* Paper 29. For example, Exhibit 2029 appears to be a claim chart of a third-party smart phone with cloud storage, charted against the 526 Patent. *See* EX2029. Exhibit 2030 appears to be licensing information pertaining to Patent Owner and a third-party. *See* EX2030.

Petitioners’ Reply to Patent Owner’s Preliminary Response likewise allegedly includes sensitive business information since it quotes and discusses, in detail, the previously sealed Exhibits 2029 and 2030. Paper 32, at 24 (Confidential Reply). Thus, in accordance with the protective order filed in this proceeding, Ex. 2036, Petitioners move to file their Reply to Patent Owner’s Response under seal, in addition to a public redacted version of the Reply.

Finally, pursuant to 37 C.F.R. § 42.54, Petitioners’ counsel certifies that it has previously conferred in good faith with Patent Owner’s counsel over the filing of Exhibits 2029 and 2030, and further that the parties agreed on a Modified Protective order that is filed as Exhibit 2036.

II. CONCLUSION

For the foregoing reasons, Petitioners respectfully request that the Board grant the Petitioners Motion to Seal.

Dated: December 14, 2020

Respectfully Submitted,

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**PETITION FOR INTER PARTES REVIEW
OF U.S. PATENT NO. 9,098,526**

Attachment A:

Proof of Service of the Motion to Seal

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