

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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YITA LLC,  
Petitioner,

v.

MACNEIL IP LLC,  
Patent Owner.

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IPR2020-01139 (Patent 8,382,186 B2)  
IPR2020-01142 (Patent 8,833,834 B2)<sup>1</sup>

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Before MITCHELL G. WEATHERLY, JAMES A. WORTH,  
MICHAEL L. WOODS, and ARTHUR M. PESLAK,  
*Administrative Patent Judges.*

PESLAK, *Administrative Patent Judge.*

ORDER

*Granting Patent Owner's Unopposed Motion to Seal, Paper 55, and  
Petitioner's Unopposed Motion to Seal, Paper 59<sup>2</sup>  
37 C.F.R. §§ 42.14, 42.54*

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<sup>1</sup> This Order applies to both proceedings. The parties are not authorized to use this caption.

<sup>2</sup> The parties filed substantially the same motion papers with the same Paper Number in each case.

## I. INTRODUCTION

On July 13, 2021, we entered the Board's Default Protective Order to govern this proceeding. Paper 48, 6. On July 27, 2021, Patent Owner filed an unopposed Motion to Seal the Declaration of Ryan Granger, Ex. 2126. Paper 55, 1 ("PO Mot."). Patent Owner also filed a redacted version of Mr. Granger's declaration. *Id.* On August 24, 2021, Petitioner filed an unopposed Motion to Seal the deposition transcript of Mr. Granger, Ex. 1048. Paper 59, 1 ("Pet. Mot."). Petitioner also filed a redacted version of Mr. Granger's deposition transcript. Because both motions concern the same general subject matter, we enter one Order for both.

## II. DISCUSSION

The information Patent Owner seeks to seal is "Patent Owner's confidential business information, including confidential sales and gross revenue information." PO Mot. 1. The information includes "the number of floor trays sold and annual gross revenue." *Id.* at 2 (citing Ex. 2140). Patent Owner submits that it is "a private company" and "compiled [the] information from Patent Owner's internal sales, marketing, and financial documentation." *Id.* Patent Owner further submits that it "does not publish this information, and it cannot be derived from public sources." *Id.* Patent Owner's counsel "certifies the confidential information sought to be sealed has not, to their knowledge, been published or otherwise made public." *Id.*

Patent Owner contends its competitive position in the automotive accessory market would be harmed by public disclosure of this information. PO Mot. 3. In particular, Patent Owner argues disclosure of the information would allow its competitors to gain "insight into Patent Owner's pricing and marketing decisions," its "market share and the relevant market size," and its

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“corporate valuation and financial resources.” *Id.* at 3–4. Patent Owner further contends it “relies on the redacted information to establish commercial success of products embodying the claimed invention.” *Id.* at 4. Patent Owner further contends that it limited its redactions to “only the actual numbers specifying the annual quantity of floor trays sold and corresponding gross revenue, not table headings that explain what those numbers mean.” *Id.* at 5. Patent Owner further contends that, given the limited redactions, the public record will be understandable because it is clear that Patent Owner relies on its annual floor tray sales from 2004 to 2020 to establish commercial success. *Id.* at 5.

Petitioner’s motion is based on Patent Owner’s representation that the redacted information in the deposition transcript of Mr. Granger “is confidential and thus has not been published or otherwise made public.” Pet. Mot. 2.

We reviewed the information redacted from Exhibit 1048 and Exhibit 2126. Given Patent Owner’s representation that it is a private company and the information it seeks to seal is not publically available, we find that the information is confidential. We find that the redactions concern the confidential information outlined in Patent Owner’s motion. We also find that the redactions are minimal and relate to the confidential information. We also find that the public record will be understandable given the limited nature of the redactions.

For good cause shown, it is hereby

ORDERED that Patent Owner’s Motion to Seal Exhibit 2126 is *granted*;

FURTHER ORDERED that Petitioner’s Motion to Seal Exhibit 1048 is *granted*.

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