

Filed on behalf of: Versata Development Group, Inc.

Paper _____

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAP AMERICA, INC. ET AL.
Petitioner

v.

VERSATA DEVELOPMENT GROUP, INC.
Patent Owner

Case CBM2012-00001 (MPT)
Patent 6,553,350

**PATENT OWNER VERSATA DEVELOPMENT GROUP, INC.'S
MOTION TO FILE DOCUMENTS UNDER SEAL**

1 MAIL STOP PATENT BOARD
2 Patent Trial and Appeal Board
3 U.S. Patent & Trademark Office
4 P.O. Box 1450
5 Alexandria, VA 22313-1450
6

7 **I. Relief Requested**

8 Pursuant to 37 C.F.R. § 42.14, Patent Owner Versata Development Group,
9 Inc. (“Versata”) hereby requests permission to file its Patent Owner Preliminary
10 Response and selected exhibits, due on November 30, 2012, under seal. A
11 Protective Order (Exh. 2004) governing the treatment of confidential materials has
12 been entered in this proceeding (Paper 27).

13 **II. Statement of Facts Showing There is Good Cause for the PTAB to**
14 **Allow the Filing Under Seal**
15

16 In accordance with Section 6(A) of the Protective Order (Exh. 2004) entered
17 in this proceeding (Paper 27), “[a] party may filed documents or information with
18 the Board under seal, together with a non-confidential description of the nature of
19 the Protected Materials that is under seal and the reasons why the materials are
20 confidential and should not be made available to the public.”

21 Versata’s Patent Owner Preliminary Response includes documents and
22 information produced by Petitioner in this proceeding designated by Petitioner
23 under the Protective Order as “Confidential-Attorneys’ Eyes Only Material.”
24 More specifically, Versata’s Patent Owner Preliminary Response and selected

1 exhibits being filed concurrently with the Preliminary Response, include excerpts
2 from expert reports, deposition transcripts and briefs from the district court action
3 involving the patent at issue in this proceeding that have been designated by
4 Petitioner under the Protective Order as “Confidential-Attorneys’ Eyes Only
5 Material.”

6 Patent Owner Versata submits that Petitioner’s designation of these
7 materials as “Confidential-Attorneys’ Eyes Only Material” under the Protective
8 Order issued in this proceeding constitutes good cause for the PTAB to allow the
9 filing under seal pursuant to 37 C.F.R. § 42.14.¹

10 **III. Conclusion**

11 For the foregoing reasons, Patent Owner Versata respectfully requests that
12 the PTAB grant this motion and permit the filing of its Patent Owner Preliminary
13 Response and selected exhibits under seal.

14

¹ Patent Owner Versata will consult with Petitioner following the filing of its Patent
Owner Preliminary Response and selected exhibits under seal to determine which
portions of the Preliminary Response and any of the exhibits can be redacted to use
for nonconfidential versions for subsequent filing in this proceeding.

Respectfully submitted,

Date: November 30, 2012

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*Attorneys for Patent Owner Versata
Development Group, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of November, 2012, a true and correct copy of the foregoing PATENT OWNER VERSATA DEVELOPMENT GROUP, INC.'S MOTION TO FILE DOCUMENTS UNDER SEAL, was served, in accordance with the parties electronic service agreement, by electronic mail upon the following lead and backup counsel of record for Petitioners SAP America, Inc. and SAP AG:

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