

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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**APPLE INC.**  
Petitioner

v.

**SIGHTSOUND TECHNOLOGIES, LLC**  
Patent Owner

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Case CBM2013-00023  
Patent 5,966,440

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Before the Honorable MICHAEL P. TIERNEY, JUSTIN T. ARBES, and  
GEORGIANNA W. BRADEN, *Administrative Patent Judges*.

**MOTION TO FILE A CONFIDENTIAL DOCUMENT UNDER SEAL  
PURSUANT TO 37 C.F.R. §§ 42.14 & 42.55**

Pursuant to authorization communicated by the Patent Trial and Appeal Board staff, and to 37 C.F.R. §§ 42.14 and 42.55, Petitioner Apple Inc. (“Petitioner” or “Apple”) respectfully submits this Motion to Seal the Declaration of Arthur Rangel (Ex. 4356), filed on November 22, 2013. Petitioner originally designated Ex. 4356 for access by “Parties and Board Only” in the Board’s PRPS system, but did not appreciate at that time that such an access designation for the exhibit, filed in connection with a discovery motion, could only be made with an accompanying motion to seal. Upon the Board staff’s inquiry into that designation and clarification of this requirement, Petitioner now respectfully requests that the Board consider its motion and order that this exhibit be sealed for the reasons set forth below. As detailed below, Apple additionally has submitted a redacted copy of Exhibit 4356 as Exhibit 4473 to tailor this request narrowly to the confidential material at issue.

## **I. Background**

Apple seeks to maintain the confidentiality of the Declaration of Arthur Rangel (Ex. 4356). SightSound and Apple have agreed to be bound by the terms of the Board’s default protective order (*see* Office Patent Trial Practice Guide at 77 Fed. Reg. 48756, 48771 (Aug. 14, 2012)) (Ex. 4468).

## **II. Confidential Information**

Apple submits that that the Declaration of Arthur Rangel contains Apple confidential business information, including in particular information regarding the type and nature of customer information and feedback gathered by Apple relating to

Apple products and services in the course of its competitive business operations. In addition, the Declaration of Arthur Rangel discloses confidential business information about additional analysis of customer information and feedback, such as marketing studies conducted with gathered data and the design of Apple surveys. Apple respectfully submits that the public disclosure of this information about the data gathered and analyzed by Apple in connection with its products and services would be beneficial to Apple's competitors and harmful to Apple.

In addition, sealing this information would not conflict with the public interest in making available to the public the information on which the Board's decisions are based. The Board's decision on the discovery motion for which this exhibit was submitted made only limited reference to this exhibit, citing it only in assessing the associated burdens of discovery of "tens of thousands of pages of material." *See* Decision: SightSound's Motion for Additional Discovery, Dec. 11, 2013 (Paper 36) at 8.

Finally, Apple has submitted herewith, as Ex. 4473, a redacted copy of Ex. 4356 removing only those portions that are commercially sensitive, thus narrowly tailoring Apple's request to seal and minimizing any impact on the public availability of documents filed at the Board.

For the foregoing reasons, Apple respectfully submits that it has demonstrated good cause and respectfully requests that the Board order the sealing of Ex. 4356.

Dated: May 27, 2014

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Motion to File A Confidential Document Under Seal Pursuant to 37 C.F.R. §§ 42.14 & 42.55 in connection with Covered Business Method Review Case CBM2013-00023 was served on this 27th day of May, 2014, by electronic mail upon Arnold & Porter LLP, counsel for Patent Owner, at david.marsh@aporter.com and kristan.lansbery@aporter.com, and jennifer.sklenar@aporter.com.

Dated: May 27, 2014

By / Lauren N. Robinson /  
Lauren N. Robinson