

Trials@uspto.gov
Tel: 571-272-7822

Paper 29 (CBM2014-00190)
Paper 27 (CBM2014-00192)
Paper 27 (CBM2014-00193)
Paper 30 (CBM2014-00194)
Paper 27 (CBM2014-00199)
Entered: July 6, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS AMERICA, INC. and SAMSUNG
ELECTRONICS CO., LTD.,
Petitioner,

v.

SMARTFLASH LLC,
Patent Owner.

Cases¹

CBM2014-00190 (Patent 7,334,720 B2)
CBM2014-00192 (Patent 8,033,458 B2)
CBM2014-00193 (Patent 8,061,598 B2)
CBM2014-00194 (Patent 8,118,221 B2)
CBM2014-00199 (Patent 8,118,221 B2)

Before JENNIFER S. BISK, RAMA G. ELLURU, GREGG I. ANDERSON,
MATTHEW R. CLEMENTS, and PETER P. CHEN,
Administrative Patent Judges.

ELLURU, *Administrative Patent Judge.*

¹ This order addresses issues that are the same in all identified cases. We exercise our discretion to issue one order to be filed in each case. The parties, however, are not authorized to use this style heading in subsequent papers.

CBM2014-00190 (Patent 7,334,720 B2)
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CBM2014-00199 (Patent 8,118,221 B2)

ORDER
Conduct of the Proceedings
37 C.F.R. § 42.5

Patent Owner Smartflash LLC (“Patent Owner”) filed a motion to seal (Paper 24²; “Mot.”) Patent Owner’s unredacted “Patent Owner’s Response” (Paper 22), which refers to Exhibit 2057. Mot. 1. Patent Owner also filed a redacted version of its Patent Owner Response. Paper 23.³ Samsung Electronics America, Inc., and Samsung Electronics Co., Ltd. (“Petitioner”) did not file an Opposition to Patent Owner’s motion. Paper 27⁴. For the reasons stated below, Patent Owner’s motion to seal its unredacted Patent Owner’s Response is granted.

Patent Owner must show good cause for the relief requested, including why the information is appropriate to be filed under seal. 37 C.F.R. § 42.54. The Office Patent Trial Practice Guide notes that 37 C.F.R. § 42.54 identifies confidential information in a manner consistent with Federal Rule of Civil Procedure 26(c)(1)(G), which provides for protective

² Paper numbers refer to papers in CBM2015-00190, unless otherwise specified.

³ We note that Patent Owner’s motion states “Petitioner is concurrently filing a non-confidential version of the Petition with the confidential material redacted” (Mot. at 1), which we interpret as a reference to the redacted Patent Owner’s Response.

⁴ On June 24, 2015, we ordered Petitioner to indicate whether it opposed Patent Owner’s request to seal Patent Owner’s response by June 29, 2015, and Petitioner did not file an Opposition.

CBM2014-00190 (Patent 7,334,720 B2)
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orders for trade secret or other confidential research, development, or commercial information. 77 Fed. Reg. 48,756, 48,760 (Aug. 14, 2012).

Patent Owner asserts that its unredacted Patent Owner's Response refers to Exhibit 2057. Mot. 1. We issued a decision sealing pages 193–95, 219–239, and 243–46 of Exhibit 2057. Paper 27.

Upon considering the content of Patent Owner's unredacted Patent Owner's Response, along with Petitioner's and Patent Owner's representations as to the confidentiality of the information provided in the unredacted Patent Owner's Response, we determine that Patent Owner has shown good cause for sealing the unredacted version of Patent Owner's Response.

It is

ORDERED that Patent Owner's motion to seal its unredacted Patent Owner's Response (Paper 22) is granted.

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CBM2014-00199 (Patent 8,118,221 B2)

PETITIONER:

Walter Renner
Thomas Rozylowicz
Fish & Richardson P.C.
axf@fr.com
CBM39843-0007CP2@fr.com

PATENT OWNER:

Michael R. Casey
J. Scott Davidson
DAVIDSON BERQUIST JACKSON & GOWDEY LLP
mcasey@dbjg.com
jsd@dbjg.com