

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIVERSITY OF WATERLOO,

Assignee of U.S. Patent Application No. 15/513,914

Petitioner,

v.

SALIENT ENERGY INC.

Assignee of U.S. Patent No. 9,780,412

Respondent.

Case No.: _____

PETITIONER'S OWNER'S MOTION TO SEAL

UNDER 37 C.F.R. §§ 42.14 AND 42.54

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Petitioner University of Waterloo (“UW”), submits this Motion to Seal its concurrently filed Petition to Institute Derivation Proceeding Pursuant to 35 U.S.C. § 135 and Exhibits 1005, 1006, 1009, 1016, 1017, 1019, 1021, 1022, 1023.

UW’s Petition to Institute and these exhibits were filed under seal because they discuss information designated as “Confidential” or “Highly Confidential” by Petitioner.

I. Reasons for Sealing Certain Confidential Information

As set forth below, good cause exists for maintaining UW’s Petition to Institute and Exhibits 1005, 1006, 1009, 1016, 1017, 1019, 1021, 1022, 1023 under seal.

UW’s Derivation Petition references:

Exhibits 1005 and 1006

Exhibits 1016, 1017 and 1019

Exhibits 1021, 1022 and 1023

The foregoing references were not intended for public consumption and may contain information that is otherwise protected and/or deemed confidential by third-parties. Specifically, excerpts from lab notebooks (i.e., Exhibits 1021-23) may contain information relevant to ongoing or future projects for which UW or funding entities might require confidentiality. Additionally, information in the

presentations (i.e. Exhibits 1017 and 1019) may implicate confidentiality concerns of a public/private partnership, and thus information presented might implicate commercial interests in the research funded. These exhibits were referenced, quoted, and/or summarized in the text of the Petition and in its supporting declarations (i.e. Exhibits 1015 and 1016) such that they could disclose protected information; thus, these portions have been redacted accordingly.

II. Certification of Non-Publication Status

UW's undersigned counsel certifies that the information sought to be sealed by this motion has not been published or otherwise made public to the best of his knowledge.

III. Proposed Protective Order

Pursuant to 37 C.F.R. § 42.55(a), UW concurrently herewith submits as Exhibit 1024 the Default Standing Protective Order.

IV. Request For Relief

UW requests that its Petition to Institute Derivation Proceeding Pursuant to 35 U.S.C. § 135 and Exhibits 1005, 1006, 1009, 1016, 1017, 1019, 1021, 1022, 1023 filed on July 20, 2018 remain under seal.

Respectfully submitted,

Oblon, McClelland, Maier &
Neustadt, LLP

Dated: July 20, 2018

/w. Todd Baker/

W. Todd Baker

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CERTIFICATE OF SERVICE

The undersigned certifies service pursuant to 37 C.F.R. §§ 42.6(e) and 42.105(b) on the Patent Owner by UPS Overnight Delivery – Next Day Air of a copy of this Motion to Seal Under 37 C.F.R. §§ 42.14 and 42.54 at the correspondence address of record for the '412 Patent:

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Respectfully submitted,

Oblon, McClelland, Maier &
Neustadt, LLP

Dated: July 20, 2018

/w. Todd Baker/
W. Todd Baker
Reg. No. 45,265