

Filed on behalf of Clearlamp, LLC

By: Matthew L. Cutler (mcutler@hdp.com)
Bryan K. Wheelock (bwheelock@hdp.com)
Harness, Dickey & Pierce, PLC
7700 Bonhomme, Suite 400
St. Louis, MO 63105
Tel: (314) 726-7500
Fax: (314) 726-7501

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LKQ CORPORATION
Petitioner

v.

CLEARLAMP, LLC
Patent Owner

Case IPR2013-00020
Patent 7,297,364

**PATENT OWNER'S MOTION FOR ENTRY OF PROTECTIVE
ORDER AND TO SEAL UNDER 37 C.F.R. 42.54**

Pursuant to the Board's June 28, 2013 Order (Paper 32), and for the reasons discussed more fully below, Patent Owner Clearlamp, LLC (hereinafter, "Patent Owner" or "Clearlamp") respectfully submits this Motion to Seal the following documents:

- (1) portions of the transcript of the deposition of Robert Sandau (Ex. 2016);
- (2) an LKQ document entitled "LKQ Corporation Analysis of Income as a percentage of revenue", bearing Bates Number LKQ0004213 (Ex. 2011);
- (3) LKQ's verified Supplemental Response to Clearlamp's Interrogatory No. 1 in the underlying District Court litigation (Ex. 2006); and
- (4) the claim chart accompanying Clearlamp's infringement contentions in the underlying litigation (Ex. 2018).

Because these documents are discussed in (5) portions of its Patent Owner's Response and (6) portions of the Declaration of Mr. Irving S. Rappaport (Ex. 2009), Clearlamp also moves to seal full versions of those documents.

Additionally, Clearlamp also requests that the full version of a testing document, specifically (7) Exh. 2012 (American Bumper test package) also be sealed because it contains confidential information concerning General Motors' lamp testing protocols.

Each of these documents are filed concurrently with this Motion. Patent Owner Clearlamp is also filing redacted public versions of the Patent Owner's Response, Rappaport Declaration, Sandau deposition transcript, and American Bumper Test Package.

I. Good Cause Exists for Sealing Certain Confidential Information

The *Office Patent Trial Practice Guide* provides that “the rules aim to strike a balance between the public’s interest in maintaining a complete and understandable file history and the parties’ interest in protecting truly sensitive information.” 77 FED. REG. 48756, 48760 (Aug. 14, 2012). Further, those rules “identify confidential information in a manner consistent with Federal Rule of Civil Procedure 26(c)(1)(G), which provides for protective orders for trade secret or other confidential research, development, or commercial information.” *Id.* (citing 37 C.F.R. § 42.54).

Each of the exhibits summarized in Table 1 below (the “Proposed Sealed Exhibits”) contains either information that LKQ maintains is sensitive and confidential business technical, financial, and/or strategy information of Petitioner, or information that concerns third parties’ (General Motors and Volvo) confidential vehicle lamp testing processes.

The Proposed Sealed Exhibits are discussed in detail in, and portions of them are reproduced in, Patent Owner’s Responses and Mr. Rappaport’s

Declaration. Thus, the relevant portions of Patent Owner’s Responses and Mr. Rappaport’s Declaration (Ex. 2009) should be sealed for the same reasons enumerated in Table 1 below. Contemporaneously with this motion, Clearlamp is filing redacted, public versions of its Response and Mr. Rappaport’s Declaration; those versions mask the confidential information subject to this Motion.

TABLE 1 – Proposed Sealed Exhibits

Exh. Nos.	Summary of Contents	Good Cause for Filing Under Seal
2016	Portions of the transcript from the Deposition of Robert Sandau (22:3-17; 24:13-25:10; 28:5-14; 33:22-25; 34:16-19; 34:21; 34:23-35:9; 35:11-12; 35:14; 35:16-21; 35:24-36:7; 36:9-19; 36:22-37:2; 37:9-13; 37:15-38:2; 38:5-7; 38:9-11; 38:16-17; 38:19-20; 41:10-13; 73:2-4)	Per LKQ, this documents contains a non-public discussion of LKQ’s confidential business activities and strategies concerning the portion of its business that is directed to refurbishing vehicle lamps and offering those lamps for sale. This information was also designated as confidential under the Protective Order entered by the district court in the underlying litigation. Further, with respect to Mr. Sandau’s deposition

		<p>statements regarding the personality of LKQ personnel (e.g., 41:10-13),</p> <p>Clearlamp understands that LKQ asserts those statements are personal confidential and have little relevance to the merits of any substantive issue, and that there would thus be no harm to the public's interest in restricting access to statement's about someone's personality</p>
2011	LKQ0004213 (LKQ Corporation Analysis of Income as a percentage of revenue”	<p>Per LKQ, this document contains non-public, confidential financial information regarding LKQ's revenues and income from its sales of refurbished vehicle lamps. This information was also designated as confidential under the Protective Order entered by the district court in the underlying litigation.</p>
2006	LKQ's September 20, 2012 verified Supplemental	<p>Per LKQ, this document contains description of LKQ's non-public,</p>

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