

Filed on behalf of Clearlamp, LLC

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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 TO SEAL UNDER 37
C.F.R. 42.54**

On July 1, 2013, Patent Owner Clearlamp, LLC (“Clearlamp”) filed its Response,¹ which was accompanied by evidentiary exhibits. On July 9, Petitioner LKQ filed its “Objections to Evidence Submitted by Clearlamp” (Paper No. 39).

Contemporaneously with this motion, Clearlamp is filing supplemental evidence in response to LKQ’s evidentiary objections. Because some of the supplemental evidence contains information that LKQ has indicated is confidential business information, Clearlamp moves to seal those Exhibits, for good causes explained in more detail below. The Board previously granted Clearlamp permission to file a Motion to Seal in conjunction with its Patent Owner’s Response. (See Paper No. 29). Because the present motion seeks sealing of supplemental evidence in support of Clearlamp’s response, Clearlamp respectfully understands that the Board’s prior grant of permission to file a motion to seal extends to this motion as well.

Specifically, Clearlamp requests that the following Exhibits be sealed:

(1) the complete transcript of the deposition of Robert Sandau (Ex. 2021)²;

¹ Paper No. 33 is the redacted version of Clearlamp’s Response, and Paper No. 35 is the full version.

² Patent Owner Clearlamp is also filing a redacted public version of the Sandau deposition transcript.

(2) excerpts of the transcript of the deposition of James Devlin (Ex. 2024);

and

(3) the Supplemental Declaration of A. Harvey Bell, IV (Ex. 2025).

Each of these documents are filed concurrently with this Motion.

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 information that LKQ maintains is sensitive and confidential business technical, financial, and/or strategy information of Petitioner.

TABLE 1 – Proposed Sealed Exhibits

Exh. Nos.	Summary of Contents	Good Cause for Filing Under Seal
2021	Complete transcript from the Deposition of Robert Sandau	Per LKQ, this document 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 statements regarding the personality of LKQ personnel (41:10-13), Clearlamp understands that LKQ asserts those statements are personal confidential and have little relevance to the merits of any

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		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
2024	Excerpts of the transcript of the deposition of James Devlin (4:1-9:6; 26:1-27:10; 35:17-20; 37:3-39:12; and 42:12-46:12)	Mr. Devlin was LKQ's Rule 30(b)(6) designee regarding financial topics in the underlying U.S. District Court litigation. These excerpts discuss the contents of Exhibit 2011 (LKQ004213; marked as Exhibit 3 in the deposition), which describe LKQ's confidential sales information and related financial information regarding its accused process.
2025	Supplemental Declaration of A. Harvey Bell, IV	This Exhibit includes a Youtube.com URL for a video describing LKQ's lamp refurbishing process. LKQ asserts that

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