

Filed on behalf of: Telefonaktiebolaget L. M. Ericsson

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BROADCOM CORPORATION

Petitioner

v.

TELEFONAKTIEBOLAGET L.M. ERICSSON

Patent Owner

Case IPR2013-00601
U.S. Patent Nos. 6,772,215

MOTION TO SEAL

Patent Owner Telefonaktiebolaget L.M. Ericsson (“Ericsson”) requests permission to seal the documents contained in Exhibit 2009 under 37 C.F.R. § 42.14. Each Exhibit contains confidential information [REDACTED]

[REDACTED] Because each Exhibit contains confidential information, Ericsson respectfully requests permission to seal Exhibits 2009.

I. Exhibit 2009

[REDACTED]

II. Exhibit 2009 Constitutes Confidential Information and Should be Sealed.

Under 35 U.S.C. § 316(a)(1), the default rule is that all papers filed in an *inter partes* review are open and available for access by the public, but a party may file a concurrent motion to seal documents. In addition, 37 C.F.R. § 42.14 provides:

The record of a proceeding, including documents and things, shall be made available to the public, except as otherwise ordered. A party intending a document or thing to be sealed shall file a motion to seal concurrent with the filing of the document or thing to be sealed. The document or thing shall be provisionally sealed on receipt of the motion and remain so pending the outcome of the decision on the motion.

Only “confidential information” is protected from public disclosure. 35 U.S.C. § 316(a)(7); *Office Trial Practice Guide*, 77 *Fed. Reg.* 48756, 48760 (*Aug. 14, 2012*). The Board will only grant a motion to seal for “good cause.” 37 C.F.R. § 42.54; *Garmin Int’l, Inc. v. Cuozzo Speed Technologies, LLC*, IPR2012-00001, Paper No. 34 at 3 (2013).

Here, Ericsson has good cause for seeking permission to place Exhibit 2009 under seal pending the outcome of the decision. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] all information therein remains confidential. Therefore, Ericsson respectfully requests permission to seal the documents contained in Exhibit 2009.

III. Proposed Protective Order

Ericsson proposes that the default protective order found in Appendix B of the Trial Practice Guide be entered.

IV. Certification of Conference with Opposing Party Pursuant to 37 C.F.R. § 42.54.

A motion to seal requires a certification that the moving party has in good faith conferred or attempted to confer with the opposing party in an effort to agree as to the scope of the proposed protective order. 37 C.F.R. § 42.54; *Garmin, supra*, at 3. Given the expedited nature of this Motion, counsel for Ericsson attempted to confer with Petitioner and proposed the use of the default protective order on December 11, 2013. Broadcom's only response was [REDACTED]

[REDACTED] Regardless of this failure to comment on the scope of the Proposed Protective Order, Ericsson fulfilled its requirement to attempt to confer with opposing party.

V. Conclusion

Ericsson respectfully requests that the Board grant this Motion to Seal because it has good cause to seal the confidential exhibits.

Dated: December 11, 2013.

Respectfully submitted,

/Peter J. Ayers/

PETER AYERS

Lee & Hayes, PLLC

13809 Research Blvd., Suite 405

Austin, TX 78750

Telephone: 512.505.8162

Fax: 509.944.4693

Attorney for Patent Owner Telefinakteibolaget

LM Ericsson

CERTIFICATE OF SERVICE

The undersigned certifies that on December 11, 2013 the foregoing MOTION TO SEAL was served on Lead and Back-up Counsel for Broadcom Corporation by sending the same via Federal Express to the service address provided in Broadcom's Mandatory Notices:

Dominic E. Massa, Lead Counsel
Michael A. Diener, Back-up Counsel
Wilmer Cutler Pickering Hale and Dorr, LLP
60 State Street
Boston, MA 02109

LEE & HAYES PLLC

/Peter J. Ayers/
Peter J. Ayers, Reg. No. 38,374