

Filed on behalf of: Telefonaktiebolaget L. M. Ericsson

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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BROADCOM CORPORATION

Petitioner

v.

TELEFONAKTIEBOLAGET L.M. ERICSSON

Patent Owner

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Case IPR2013-00636  
Patent 6,424,625

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**MOTION TO SEAL**

Patent Owner Telefonaktiebolaget L.M. Ericsson (“Ericsson”) requests permission to seal its Patent Owner Response and this Motion to Seal under 37 C.F.R. § 42.14, as each refers to Exhibit 2009, which is already sealed in this matter. Exhibit 2009 contains confidential information [REDACTED]

[REDACTED] Because the Patent Owner Response and this Motion to Seal each refers to this confidential information, Ericsson respectfully requests permission to seal each Paper.

**I. Exhibit 2009**

[REDACTED]

[REDACTED]

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## II. Ericsson's Patent Owner Response and this Motion to Seal References 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 its Patent Owner Response and this Motion under seal pending the outcome of the decision.

The [REDACTED] includes confidential business information [REDACTED]

[REDACTED]

[REDACTED] Both Ericsson and Broadcom previously requested that

Exhibit 2009 be sealed, and the Board agreed by agreeing to seal Exhibit 2009. Therefore, Ericsson respectfully requests permission to seal its Patent Owner Response and this Motion to Seal, which refer to Exhibit 2009.

### **III. Proposed Protective Order**

Ericsson originally proposed that the default protective order found in Appendix B of the Trial Practice Guide be entered, and renews its request.

### **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. Counsel for Ericsson conferred with counsel for Petitioner and the parties agreed to the continued use of the default protective order.

### **V. Conclusion**

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

Dated: June 11, 2014.

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Respectfully submitted,

/Peter J. Ayers/

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