

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RPX CORPORATION.
Petitioner,

v.

VIRNETX, INC. AND SCIENCE APPLICATION INTERNATIONAL
CORPORATION,
Patent Owner

Patent No. 6,502,135

Issued: Dec. 31, 2002

Filed: Feb. 15, 2000

Inventors: Edmund C. Munger, *et al*

Title: Agile Network Protocol For Secure Communications With Assured System
Availability

Inter Partes Review No. IPR2014-00171

MOTION TO SEAL EXHIBITS UNDER 47 C.F.R. §§ 42.14 AND 42.55

Pursuant to 37 C.F.R. §§ 42.14 and 42.55, Petitioner RPX hereby moves to seal Exhibits 1072 and 1073, which are, respectively, a generic RPX addendum agreement and a client's executed copy of the RPX addendum agreement that are related to its Research & Development program.

I. Reasons for Sealing Exhibit

The standard governing the Board's determination of whether to grant a motion to seal is "good cause." *Garmin v. Cuozzo*, IPR2012-00001, Paper 36 April 5, 2013). In that regard, the Board must "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." *Id.*

Exhibits 1072 and 1073 constitute confidential business information relating to an RPX initiative. The terms and language of these agreements are RPX confidential business information and its client's confidential business information that Petitioner has not made publicly available. The unprotected disclosure of these agreements could be used by Petitioner's competitors for their own interests.

Petitioner believes these agreements have no bearing on the real party in interest in this proceeding. However, to avoid any potential dispute and in the interest of full disclosure, Petitioner provides these exhibits for the Board's review and to clarify that the decisions related to this proceeding and the control of this proceeding are solely at the discretion of Petitioner. Petitioner further notes that

because the details of these agreements are unimportant to the merits of this case, the public's interest in having access to Exhibits 1072 and 1073 is minimal. *See Garmin v. Cuozzo*, IPR2012-00001, Paper 36 at 8-9 (April 5, 2013). The Petitioner therefore respectfully requests that Exhibits 1072 and 1073 remain under seal.

Finally, Petitioner notes that because this motion is being filed pursuant to 37 C.F.R. § 42.55, Petitioner has not conferred with the Patent Owner.

II. PROPOSED PROTECTIVE ORDER

Pursuant § 42.55(a), Petitioner proposes that the default protective order found in appendix B of the Trial Practice Guide be entered. Petitioner understands that pursuant to that section, it needs not serve Exhibits 1072 and 1073 on the Patent Owner until the Patent Owner agrees to the terms of the default protective order or otherwise obtains relief from the Board.

Dated: November 20, 2013

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of November 2013, a copy of this **MOTION TO SEAL EXHIBITS UNDER 47 C.F.R. §§ 42.14 AND 42.55**, has been served in its entirety by Federal Express on the following counsel of record for patent owner:

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