

U.S. Pat. No. 7,302,683
Petition for *Inter Partes* Review
Petitioner Motion to Seal

Paper No. _____

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FIRST DATA CORPORATION
Petitioner

v.

CARDSOFT INTERNATIONAL PTY LIMITED
Patent Owner

U.S. Patent No. 7,302,683

Filing Date: August 22, 2005

Issue Date: November 27, 2007

Title: METHOD AND APPARATUS FOR
CONTROLLING COMMUNICATIONS

Inter Partes Review No. Unassigned

PETITIONER'S MOTION TO SEAL

PETITIONER'S MOTION TO SEAL

Petitioner, FIRST DATA CORPORATION (First Data), hereby petitions to seal Ex. 1011, an Agreement between VeriFone, Inc. (VeriFone) and First Data re Indemnity (signed by Albert Liu, Executive Vice President of VeriFone, and Christopher Demetriades, Senior Counsel of First Data) and selected passages from an agreement between VeriFone and First Data including the referenced indemnity.

“Confidential information” can be protected from disclosure. 35 U.S.C. § 316(a)(7)(“The Director shall prescribe regulations -- ...providing for protective orders governing the exchange and submission of confidential information”). *Id.* In that regard, the Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48760 (Aug. 14, 2012), provides:

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.

* * *

Confidential Information: The 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. § 42.54.

The standard for granting a motion to seal is “for good cause.” 37 C.F.R. § 42.54.

Ex. 1011 is not substantive prior art evidence in this proceeding. It is directed to the issue of standing, and is submitted to support the declaration that First Data is the only real party in interest. In particular, it is provided to support the statement in the Petition that VeriFone is not exercising any control in this proceeding. As such, the public interest is served by the statements in the Petition, and there is not a public need to see the actual agreement.

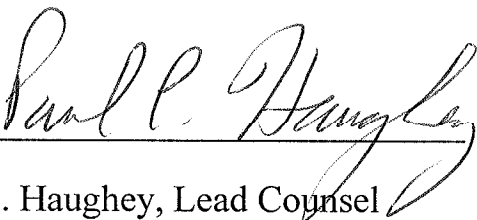
Ex. 1011 contains confidential business information of VeriFone and First Data, in particular regarding the type of agreement they have entered into for the relevant products, and the particular terms they have agreed to. Disclosure of such terms

could prejudice them in future negotiations on similar agreements, and would provide competitors with confidential business information.

PROPOSED PROTECTIVE ORDER

Petitioner proposes that the default protective order found under appendix B of the Trial Practice Guide be entered.

Dated: May 1, 2014

By: 
Paul C. Haughey, Lead Counsel
For Petitioner

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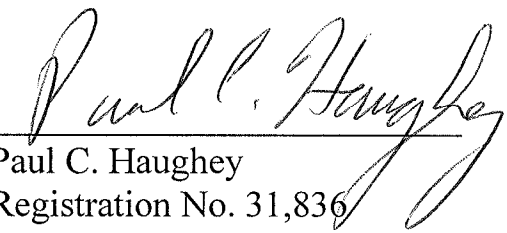
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Petitioner's Motion to Seal was served on May 1, 2014 by placing a copy into Express Mail directed to the attorneys of record for the patent at the following address:

Cardsoft (Assignment for the Benefit of Creditors), LLC
1100 La Avenida Street, Bldg. A
Mountain View, CA 94043

Dated: May 1, 2014

By:


Paul C. Haughey
Registration No. 31,836
Counsel for Petitioner

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