

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FORD MOTOR COMPANY
Petitioner

v.

PAICE LLC & THE ABELL FOUNDATION, INC.
Patent Owner

Case IPR2014-00852
Patent 7,455,134

MOTION TO SEAL UNDER 37 CFR § 42.74(c)

Pursuant to 35 U.S.C. § 317(b) and 37 CFR § 42.74(c), Paice LLC and The Abell Foundation, Inc. (collectively “Patent Owner”) request that the Arbitration Agreement filed as Exhibit 2101 be treated as Protective Order Material and be sealed such that it is available to the Board and Parties only.¹ The Arbitration Agreement is an agreement entered into by the Parties as a part of a settlement of Patent Owner’s 2010 patent infringement suit against Ford Motor Company (“Petitioner”). Patent Owner believes the default protective order set forth in the Office Patent Trial Practice Guide is sufficient in this case. The Patent Owner certifies that it has in good faith conferred or attempted to confer with Petitioner in an effort to come to agreement as to the scope of the proposed protective order for this inter partes review to comply with 37 C.F.R. § 42.54. In further compliance with 37 C.F.R. § 42.54, Patent Owner has attached a copy of the default protective order set forth in the Office Patent Trial Practice Guide as Exhibit A to this motion.

The Arbitration Agreement does not form part of or inform a patentability analysis of the challenged patent and is solely between the Parties to this proceeding. Further, Patent Owner certifies that none of the confidential

¹ Patent Owner previously conferred with Petitioner and Petitioner agreed that the Arbitration Agreement should be treated as Protective Order Material.

information contained in the Agreement has been made publically available. As a result, protecting the Parties' interests in protecting truly sensitive information in this case only minimally impacts the public's interest in maintaining a complete file history. Office Trial Practice Guide, 77 Fed. Reg. 48756, 48760 (Aug. 14, 2012) ("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.")

Furthermore, Patent Owner requests that the "PROTECTIVE ORDER MATERIAL" version of the Patent Owner's Preliminary Response be sealed since that version includes an unredacted discussion of the terms of the Arbitration Agreement and therefore should be sealed for the same reasons the Arbitration Agreement should be sealed. Patent Owner has filed a PUBLIC VERSION of the Patent Owner's Preliminary Response that redacts the confidential information. While Patent Owner submitted the redacted version as Board and Parties Only, Patent Owner submits that this version may be made public once this Motion to Seal and the appropriate scope of the protective order is decided.

Respectfully submitted,

Date: 9/17/14

/Kevin E. Greene/

Timothy W. Riffe, Reg. No. 43,881
Kevin E. Greene, Reg. No. 46,031
Attorneys for Patent Owner

Customer Number 26171
Fish & Richardson P.C.
Telephone: (612) 337-2508
Facsimile: (612) 288-9696

CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(4) and 42.6(e)(4)(iii), the undersigned certifies that on September 17, 2014, a complete and entire copy of this Motion to Seal provided via email to the Petitioner by serving the correspondence email address of record as follows:

Frank A. Angileri
Sangeeta G. Shah, Andrew B. Turner
Michael Cushion
Brooks Kushman P.C.
1000 Town Center
Twenty-Second Floor
Southfield, Michigan 48075
Email: FPGP0106IPR2@brookskushman.com

Lissi Mojica
Kevin Greenleaf
Dentons US LLP
233 South Wacker Drive, Suite 7800
Chicago, IL 60606-6306
Email: lissi.mojica@dentons.com
Email: kevin.greenleaf@dentons.com
Email: iptdocketchi@dentons.com

/Susan C. Johnson /

Susan C. Johnson
Fish & Richardson P.C.
60 South Sixth Street, Suite 3200
Minneapolis, MN 55402
(214) 292-4086

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.