

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FORD MOTOR COMPANY
Petitioner

v.

PAICE LLC & ABELL FOUNDATION, INC.
Patent Owner

Case IPR2014-00884
Patent 7,104,347

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 2201 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 is 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 alleged 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: 9/12/14

/Kevin E. Greene/

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(4) and 42.6(e)(4)(iii), the undersigned certifies that on September 12, 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:

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