

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ORACLE CORP. and NETAPP INC.,
Petitioner,

v.

CROSSROADS SYSTEMS, INC.,
Patent Owner.

Case IPR2014-01207 (Patent 7,051,147 B2)
Case IPR2014-01209 (Patent 7,051,147 B2)¹

Before NEIL T. POWELL, KRISTINA M. KALAN, J. JOHN LEE, and
KEVIN W. CHERRY, *Administrative Patent Judges*.

CHERRY, *Administrative Patent Judge*.

DECISION
Motions to Seal
37 C.F.R. § 42.14

¹ The Board is entering this Order in each proceeding. The parties are not authorized to use a caption identifying multiple proceedings.

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On February 17, 2016, Patent Owner filed a Motion to Seal portions of Exhibit 1223 and a redacted version of Exhibit 1223 in each of the above-captioned proceedings. IPR2014-01207, Papers 79, Ex. 1223 (Redacted); IPR2014-01209, Papers 78, Ex. 1223 (Redacted). We previously granted Patent Owner's motion for entry of the default protective order. Paper 53. Patent Owner's motions to seal are unopposed and are *granted*.

There is an expectation that information will be made public where the information is identified in a final written decision, and that confidential information that is subject to a protective order ordinarily would become public 45 days after final judgment in a trial, unless a motion to expunge is granted. 37 C.F.R. § 42.56; Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,761 (Aug. 14, 2012). In rendering this Final Written Decision, it was not necessary to identify, nor discuss in detail, any confidential information. However, Patent Owner has filed notices of appeal in these proceedings. *See* IPR2014-01207, Paper 80; IPR2014-01209, Paper 79. Thus, it remains necessary to maintain the record, as is, in these proceedings until resolution of the appeals.

In view of the foregoing, the confidential documents filed in the instant proceedings will remain under seal, at least until the appeal process has concluded. The record for the instant proceeding will be preserved in its entirety, and the confidential documents will not be expunged or made public, pending appeal. Notwithstanding 37 C.F.R. § 42.56 and the Office Patent Trial Practice Guide, neither a motion to expunge confidential documents nor a motion to maintain these documents under seal is necessary or authorized at this time. *See* 37 C.F.R. § 42.5(b).

As we explained in our Final Written Decisions in these cases, Petitioner filed a number of documents (Exhibits 1217, 1218, 1219, 1221, and 1222) under

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seal without filing a corresponding motion to seal those documents. Paper 77, 18.

We advised the parties that if a motion to seal those documents was not filed within 20 days of our Final Written Decision, those documents would be made public. *Id.* More than twenty days have passed since we issued our Final Written Decision. No party has filed a motion to seal Exhibits 1217, 1218, 1219, 1221, and 1222. Accordingly, we order that those documents be made public.

ORDERED that Patent Owner's motions to seal Exhibit 1223 are *granted*;
and

FURTHER ORDERED that Exhibits 1217, 1218, 1219, 1221, and 1222 shall be made public.

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