

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ORACLE CORPORATION, NETAPP INC., and
HUAWEI TECHNOLOGIES CO., LTD.,

Petitioners,

v.

CROSSROADS SYSTEMS, INC.,

Patent Owner.

Case IPR2014-01209

U.S. Patent No. 7,051,147

**JOINT MOTION TO SEAL
UNDER 37 C.F.R. §§ 42.14 AND 42.54**

Pursuant to 37 C.F.R. §§ 42.14 and 42.54 and the Protective Order entered in this proceeding, Petitioner Huawei Tech. Co., LTD. and Patent Owner Crossroads Systems, Inc. jointly submit this Motion to Seal the settlement agreement (Ex. 1235) submitted in connection with the joint motion to terminate, which is being filed concurrently herewith.

I. Reasons for Sealing Certain Confidential Information

The *Office Trial Practice Guide*, 77 Fed. Reg. 48756, 48760 (Aug. 14, 2012), provides that

[t]he 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.

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

The Huawei-Crossroads settlement agreement (Ex. 1235) includes numerous aspects which are business confidential. In section 2 the agreement specifies the particular and confidential terms of one or more licenses between Huawei and

Crossroads. Section 3 of the agreement specifies the particular terms of mutual releases and other terms upon which the pending district court action may be stayed and/or dismissed. Section 4 of the agreement provides the dollar value of the settlement, confidential bank and routing information, and sensitive information concerning future sales by Huawei. Section 5 sets forth the detailed conditions associated with various representations and warranties, which are also considered confidential by the parties.

Sections 6-8 set forth customary terms associated with such licenses and, because the terms are customary, the public has little interest in being given access to this information.

For the foregoing reasons Petitioner Huawei and Patent Owner Crossroads jointly request that Ex. 1235 be maintained under seal as set forth in 37 C.F.R. § 42.54.

II. Certification of Non-Publication Status

The undersigned counsel certifies that the information sought to be sealed by this motion has not been published or otherwise made public to the best of his knowledge.

III. Certification of Conference with Opposing Party Pursuant to 37 C.F.R. § 42.54

The parties have conferred in good faith and have agreed that Ex. 1235 (the Huawei-Crossroads settlement agreement) should be filed under seal. Counsel for Patent Owner has informed counsel for Petitioner that it consents to, and joins, the instant motion to seal.

Respectfully submitted,
Oblon, McClelland, Maier &
Neustadt, LLP

Dated: September 22, 2015

/ Greg H. Gardella /
Greg H. Gardella
Reg. No. 46,045

Customer Number
22850
Tel. (703) 413-3000
Fax. (703) 413-2220

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies service of JOINT MOTION TO SEAL on the counsel of record for the Patent Owner by filing this document through the Patent Review Processing System as well as delivering a copy via electronic mail to the following addresses:

Steven Sprinkle
John Adair
Scott Crocker
SPRINKLE IP LAW GROUP
crossroadsipr@sprinklelaw.com

Russell Wong
James H. Hall
Keith Rutherford
BLANK ROME LLP
CrossroadsIPR@blankrome.com

Dated: September 22, 2015

/ Greg H. Gardella /
Greg H. Gardella
Reg. No. 46,045