

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.,
Petitioner

v.

DRAGON INTELLECTUAL PROPERTY, LLC,
Patent Owner.

Case IPR2014-01252
Patent 5,930,444

Before NEIL T. POWELL and J. JOHN LEE, *Administrative Patent Judges.*

POWELL, *Administrative Patent Judge.*

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

Introduction

Petitioner contacted us seeking 1) leave to file a reply to Patent Owner's Opposition (Paper 22) to Petitioner's November 15, 2014 Motion to Seal (Paper 12), and 2) guidance "on a way to reduce/consolidate" potential future briefing related to motions to seal.

Petitioner's Request to File a Reply to Patent Owner's Opposition

Petitioner's Motion to Seal outlines substantive reasons that Petitioner believes evidence filed by Patent Owner should be sealed, and Patent Owner's Opposition presents substantive reasons that it opposes sealing certain portions of this evidence. On the present record, we understand that the evidence Petitioner desires to seal is evidence Petitioner provided to Patent Owner through discovery volunteered by Petitioner. Petitioner had adequate opportunity to address the relevant issues, and additional briefing is not warranted on the substantive reasons Petitioner desires the evidence sealed. Accordingly, we do not authorize Petitioner to file a reply to Patent Owner's Opposition to Petitioner's November 15, 2014 Motion to Seal.

We note, however, that the present record contains ambiguity regarding what evidence Petitioner desires to seal. Petitioner's Motion to Seal indicates that Petitioner desires to completely seal Exhibits 2001, 2003–2005, 2007–2009, 2011–2013, 2015, and 2016. Paper 12, 2. On the other hand, Patent Owner's Opposition indicates that Petitioner does not desire to seal all parts of these exhibits. For example, Patent Owner's Opposition states that Petitioner wants only the cover email of Exhibit 2007 sealed, not the slides included in Exhibit 2007. Paper 22, 8.

In order to decide the dispute about sealing evidence in the exhibits listed in Petitioner's Motion, we require clarity regarding which specific parts of the exhibits the parties have a dispute about sealing. Accordingly, we exercise our

authority under 37 C.F.R. § 42.5(a) and order the parties to file a joint paper identifying which specific portions of Exhibits 2001, 2003–2005, 2007–2009, 2011–2013, 2015, and 2016 Petitioner requests to be sealed, and which specific portions of these exhibits Patent Owner opposes sealing. The joint paper shall not present substantive arguments regarding the merits of sealing the evidence. The due date for filing the joint paper is January 9, 2015.

*Petitioner's Request for Guidance Regarding Reducing/Consolidating Briefing
Related to Motions to Seal*

The most effective way for the parties to reduce briefing related to motions to seal is for the parties to collaborate to minimize disputes about sealing evidence. To the extent the parties may encounter additional issues that they cannot resolve regarding sealing evidence, the parties must continue following the normal processes required under our rules for handling motions to seal and any other related briefing. Thus, a party wishing to have evidence sealed must file a motion to seal.

ORDER

Accordingly, it is

ORDERED that the parties shall file, by January 9, 2015, a joint paper explaining what specific portions of Exhibits 2001, 2003–2005, 2007–2009, 2011–2013, 2015, and 2016 Petitioner requests to be sealed, as well as what specific portions of these exhibits Patent Owner opposes sealing.

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PETITIONER:

Michael Kiklis
cpdocketkiklis@oblon.com

Katherine Cappaert
cpdocketcappaert@oblon.com

Scott McKeown
cpdocketmckeown@oblon.com

PATENT OWNER:

Jason Angell
janfell@fawlaw.com