

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MAKO SURGICAL CORP.,
Petitioner

v.

BLUE BELT TECHNOLOGIES, INC.,
Patent Owner

Case IPR2015-00630
Patent No. 6,205,411 B1

**PETITIONER MAKO SURGICAL CORP.'S MOTION TO SEAL AND
UNOPPOSED MOTION FOR ENTRY OF PROTECTIVE ORDER**

Mail Stop **Patent Board**
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, and for the reasons set forth below, Petitioner Mako Surgical Corp. respectfully requests that the Board seal the unredacted versions of the deposition of Patent Owner's expert, Dr. Jaramaz, Petitioner's Opposition to Patent Owner's Contingent Motion to Amend, and Petitioner's Reply to Patent Owner's Response, all of which are concurrently filed with this Motion.

Also included with this paper is an unopposed motion for the entry of the Board's Default Protective Order. The Default Protective Order is attached hereto as Exhibit A.

II. GOOD CAUSE EXISTS FOR SEALING THE IDENTIFIED CONFIDENTIAL INFORMATION

Documents filed with the Board are generally available to the public. *See* 37 C.F.R. § 42.14. For good cause, however, the Board may protect confidential information from public disclosure. 37 C.F.R. § 41.14, *see also* *Garmin Int'l v. Cuozzo Speed Tech., LLC*, IPR2012-00001, Paper 37, 3-4 (Apr. 5, 2013). In particular, the Board will "need to know why the information sought to be sealed constitutes confidential information." *Id.* at 4. Protecting only confidential information from disclosure balances "the public's interest in maintaining a

complete and understandable file history and the parties' interest in protecting truly sensitive information." *Id.* at 3-4. Where possible, parties should redact sensitive information from their filings, rather than seeking to seal entire documents. *Office Trial Practice Guide*, 77 Fed. Reg. 48756, 78761 (2012).

A. Exhibit 1011 -- Unredacted Deposition Transcript of Patent Owner's Expert Dr. Jaramaz

Exhibit 1011 is a confidential version of the deposition of Patent Owner's expert Dr. Jaramaz. The public redacted version is filed as Exhibit 1012. During Dr. Jaramaz's deposition, Patent Owner's counsel, Mr. Buroker, designated the whole transcript as confidential, pending his determination what portions of the transcript could be deemed non-confidential. Later, Mr. Buroker clarified that the only portions of the transcript that he deemed to be Blue Belt's confidential business information are the portions we have redacted. The information relates to the amount of money that was paid to acquire Blue Belt, and the amount of money that Dr. Jaramaz was paid as a result of that acquisition. Based on Mr. Buroker's claim that this information is Blue Belt's confidential business information, good cause exists to seal this exhibit.

B. Unredacted Versions of Petitioner's Opposition to Patent Owner's Contingent Motion to Amend and Petitioner's Reply to Patent Owner's Response

Regarding the redacted versions of both Petitioner's Opposition to Patent Owner's Contingent Motion to Amend and Petitioner's Reply to Patent Owner's Response, the redactions are directed solely to testimony from the deposition of Patent Owner's expert Dr. Jaramaz, which is itself subject to the present motion to seal. The redactions cover only that portion of the deposition transcript that Patent Owner's counsel, Mr. Buroker, has claimed to be Blue Belt's confidential business information. Accordingly, good cause exists to seal the unredacted versions of Petitioner's Opposition to Patent Owner's Contingent Motion to Amend and Petitioner's Reply to Patent Owner's Response, and to place the redacted versions in the file wrapper instead. *See, e.g., Id.* IPR2012-00001, Paper 37 at 8-9.

III. THE PROPOSED PROTECTIVE ORDER

Pursuant to 37 C.F.R. § 42.55, Petitioner respectfully requests entry of the Board's Default Protective Order as set forth in Appendix B to the Office Patent Trial Practice Guide (attached as Exhibit A) as to the confidential information that is the subject of the present motion to seal. Office Trial Practice Guide, 77 Fed. Reg. 48771 (Aug. 14, 2012).

**IV. CERTIFICATION OF CONFERENCE PURSUANT TO 37 C.F.R. §
42.54**

Pursuant to 37 C.F.R. § 42.54, Petitioner has conferred with Patent Owner with regard to the present motion for entry of the Board's Default Protective Order in this proceeding, and Patent Owner has confirmed that it has no opposition.

Further, Patent Owner provided Petitioner with the portions of the Dr. Jaramaz Deposition that it considered to be Blue Belt's confidential business information.

V. CONCLUSION

For the reasons described above, Petitioner respectfully requests the Board grant Petitioner's Motion to Seal, and enter the proposed protective order.

Dated: February 19, 2016

Respectfully submitted,

By: /s/ **Matthew I. Kreeger**

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