

Filed on behalf of: Gold Standard Instruments, LLC

Paper _____

By: Joseph A. Hynds, Lead Counsel Date filed: January 27, 2016

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

US ENDODONTICS, LLC,
Petitioner,

v.

GOLD STANDARD INSTRUMENTS, LLC,
Patent Owner.

Case IPR2015-00632
Patent 8,727,773 B2

PATENT OWNER'S MOTION TO SEAL

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

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Patent Owner Gold Standard Instruments, LLC (“Patent Owner”) respectfully submits this Motion to Seal the confidential, unredacted Deposition Transcript of Neill H. Luebke, D.D.S., M.S. (“Luebke transcript”), which is being filed concurrently with this Motion as Exhibit 2046. Patent Owner is also filing a non-confidential, redacted version of the same transcript as Exhibit 2045. Finally, Patent Owner moves for the entrance of the Board’s Default Standing Protective Order in this proceeding. Petitioner does not oppose the motion to seal and agrees to the use of the Board’s Default Standing Protective Order.

I. Background

Dr. Neill H. Luebke is the named inventor of U.S. Patent No. 8,727,773 and President of Gold Standard Instruments, LLC, the Patent Owner and licensor to Patent Owner’s exclusive licensees and real parties in interest, Dentsply International Inc. and Tulsa Dental Products d/b/a Tulsa Dental Specialties (collectively “Dentsply”). On November 4, 2015, Patent Owner submitted a Declaration of Neill H. Luebke, D.D.S., M.S. (Ex. 2027) in support of its Patent Owner Response (Paper 44). Petitioner cross-examined Dr. Luebke in a deposition

on December 9, 2015. During the cross-examination deposition, counsel for Petitioner asked questions pertaining to specific amounts actually paid under the license between Patent Owner and Dentsply, implicating both specific dollar amounts paid to Patent Owner, as well as the identity of products falling under that license and the sales volume of those various products. At that time, Patent Owner designated the transcript confidential. Patent Owner subsequently provided a redacted version of the Luebke transcript to Petitioner, who does not oppose this Motion.

II. Patent Owner Asserts That Good Cause Exists For Sealing Certain Confidential Information

Patent Owner submits that Exhibit 2046 contains Protective Order Material. Specifically, Patent Owner asserts that the document contains sales, financial and licensing information that is confidential to Patent Owner and its exclusive licensees. Such confidential information should not be made available to the public, including competitors of Dentsply. Accordingly, Patent Owner asks that Exhibit 2046 be sealed and that only the redacted version, Exhibit 2045, be made publicly available. Patent Owner certifies that it is not aware of the subject matter that it seeks to keep confidential having ever been made public and that efforts have been undertaken by the appropriate parties to maintain the confidentiality of

the subject matter. The narrowly redacted testimony is on only a small number of lines located on pages 18-22 of the transcript (Exhibit 2045).

III. Certification of Conference

Pursuant to 37 C.F.R. § 42.54(a), Patent Owner hereby certifies that it has conferred in good faith with Petitioner as to the scope of the protection sought. Petitioner does not oppose Patent Owner's filing of this Motion to Seal. Further, Patent Owner certifies that the parties have agreed to be bound by the terms of the Default Standing Protective Order attached herewith as Appendix A.

IV. Default Standing Protection Order

The parties agree to the terms of the Default Standing Protective Order attached herewith as Appendix A. Accordingly, Patent Owner respectfully requests entry of the Default Standing Protective Order.

V. Conclusion

For the above reasons, Patent Owner respectfully requests that Exhibit 2046 be placed under seal and that only the redacted version, Exhibit 2045, be made publicly available. Patent Owner further requests that this proceeding be governed by the terms of the Default Standing Protective Order.

Respectfully submitted,

Date: January 27, 2016

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