

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FORD MOTOR COMPANY
Petitioner

v.

PAICE LLC & ABELL FOUNDATION, INC.
Patent Owner

Case IPR2015-00791
Patent 7,237,634

MOTION TO SEAL UNDER 37 CFR § 42.74(c)

Pursuant to 35 U.S.C. § 317(b) and 37 CFR § 42.74(c), Paice LLC and the Abell Foundation, Inc. (collectively “Patent Owner”) request that the “Appendix A” filed as Exhibit 2405 be treated as Protective Order Material and be sealed such that it is available to the Board and Parties only. “Appendix A” was submitted confidentially to Paice from Ford Motor Company (“Petitioner”) pursuant to an arbitration agreement entered into by the Parties as a part of a settlement of Patent Owner’s 2010 patent infringement suit against Petitioner. Patent Owner believes the default protective order set forth in the Office Patent Trial Practice Guide is sufficient in this case. The Patent Owner certifies that it has in good faith conferred or attempted to confer with Petitioner in an effort to come to agreement as to the scope of the proposed protective order for this *inter partes* review to comply with 37 C.F.R. § 42.54. In further compliance with 37 C.F.R. § 42.54, Patent Owner has attached a copy of the default protective order set forth in the Office Patent Trial Practice Guide as Exhibit A to this motion.

“Appendix A” does not form part of or inform a patentability analysis of the challenged patent and is solely between the Parties to this proceeding. Further, Patent Owner certifies that none of the alleged confidential information contained in “Appendix A” has been made publically available. As a result, protecting the Parties’ interests in protecting truly sensitive information in this case only

minimally impacts the public's interest in maintaining a complete file history.

Office Trial Practice Guide, 77 Fed. Reg. 48756, 48760 (Aug. 14, 2012) (“The 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.”).

Furthermore, Patent Owner requests that the “PROTECTIVE ORDER MATERIAL” version of the Patent Owner’s Preliminary Response be sealed since that version includes an unredacted discussion of the contents of “Appendix A” and therefore should be sealed for the same reasons “Appendix A” should be sealed. Patent Owner has filed a PUBLIC VERSION of the Patent Owner’s Preliminary Response that redacts the confidential information. While Patent Owner submitted the redacted version as Board and Parties Only, Patent Owner submits that this version may be made public once this Motion to Seal and the appropriate scope of the protective order is decided.

Respectfully submitted,

Date: August 10, 2015

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(4) and 42.205(b), the undersigned certifies that on August 10, 2015, a complete and entire copy of Patent Owner Paice LLC's & The Abell Foundation, Inc.'s Motion to Seal was provided via email by serving the correspondence email address of record as follows:

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