

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC.
Petitioner

v.

SUMMIT 6 LLC
Patent Owner

Case: IPR2015-00806
Patent No. 7,765,482

Title: Web-Based Media Submission Tool

**PATENT OWNER'S SUPPLEMENT
TO ITS MOTION TO SEAL (PAPER 29)**

I. Introduction

Pursuant to Paper 44, Patent Owner Summit 6 hereby withdraws its motion to seal as to Exhibit 2050, and requests that the Board make Exhibit 2050 publicly available. Furthermore, although in Paper 43 the Board ordered Google, rather than Summit 6, to address the Exhibits at issue, after a meet and confer, the parties decided that it would be more appropriate for Summit 6 to address the confidentiality of Exhibits 1016 and 1019 as those documents contain Summit 6's confidential information. Accordingly, Pursuant to Paper 43, Patent Owner requests that Exhibit 1016 be made publicly available, and further, Patent Owner identifies which portions of 1019 filed by Google and Google's Corrected Reply contain confidential business information of Summit 6. Specifically, Summit 6 requests permission to seal Exhibit 1019: Transcript of February 18, 2016 deposition of Sarah Pate, and portions of Google's Corrected Reply.

Furthermore, the parties have meet and conferred and have agreed that the Corrected Frazier Declaration (Ex. 1018) can be made public.

II. Exhibit 1019 Contains Confidential Information

Exhibit 1019 is the transcript of the February 18, 2016 deposition of Sarah Pate. This deposition contains specific confidential testimony that is not publicly known or available and should remain confidential. This testimony references

confidential information of Exhibits that the Board has previously sealed, each of which are not publicly known or available and should remain confidential. The specific confidential aspects include confidential testimony relating to the following confidential exhibits:

- The following excerpts of the Pate transcript contain confidential testimony related to the confidential provisions of Exhibit 2033 (Visual Content Services Agreement Between eBay and iPIX (April 19, 2000)): 100:2–5, 12–14, 16–17; 101:5–8, 11–12, 14–23, 25; 102:1–2, 4–23; and 104:7–105:8. Exhibit 2033 is confidential and not publicly known or available and has been sealed in this case. Accordingly, these excerpts identified in Exhibit 1019 should remain sealed.
- The following excerpts of the Pate transcript contain confidential testimony related to the confidential provisions of Exhibit 2021 (Amendment No. 3 to the Visual Content Services Agreement Between eBay and iPIX (June 27, 2003)): 120:20–24; 121:2, 20–23; 122:1–125:6, 8–10, 12–13, 23–25. Exhibit 2021 is confidential and not publicly known or available and has been sealed in this case. Accordingly, these excerpts identified in Exhibit 1019 should remain sealed.

- The following excerpts of the Pate transcript contain confidential testimony related to the confidential provisions of Exhibit 2020 (Confidential Information Memorandum, “Admission” (Swiftsure Capital LLC, December 13, 2004)): 129:13–18; 132:23–133:13, 15–16, 19–20, 22–24; 134:1, 5–6, 10–12, 14, 16–18, 21–25; 135:1, 3–19, and 21. Exhibit 2020 is confidential and not publicly known or available and has been sealed in this case. Accordingly, these excerpts identified in Exhibit 1019 should remain sealed.

The parties have met and conferred and Google has filed, a public, redacted version of the transcript of the February 18, 2016 deposition of Sarah Pate as Exhibit 1020. These redactions include only the portions of confidential Exhibit 1019 that constitutes confidential information under the Office Patent Trial Practice Guide and such confidential information has not been made available publically.

III. Petitioner’s Corrected Reply Contains Confidential Information

Petitioner’s Corrected Reply on page 19, lines 14–17, 20 and page 20, lines 1–3 contains confidential information related to the confidential provisions of Exhibit 2021 (Amendment No. 3 to the Visual Content Services Agreement Between eBay and iPIX (June 27, 2003)). The confidential information redacted on Petitioner’s Corrected Redacted Reply is confidential and not publicly known or

available and has been sealed in this case. Accordingly, these excerpts should remain sealed.

IV. Exhibit 1019 and Petitioner’s Reply Contains Confidential Business Information and Should Be Sealed.

A party to an *inter partes* review proceeding may, concurrently with any filing, also file a motion to seal documents. 37 C.F.R. § 42.14. Only “confidential information” is protected from public disclosure. 35 U.S.C. § 316(a)(7); *Office Patent Trial Practice Guide*, 77 Fed. Reg. 48756, 48760 (Aug. 14, 2012). The Board will only grant a motion to seal for “good cause.” 37 C.F.R. § 42.54; *Garmin Int’l, Inc. v. Cuozzo Speed Technologies, LLC*, IPR2012-00001, Paper 34, p. 3 (March 14, 2013).

Summit 6 has good cause for seeking permission to place the identified excerpts of the aforementioned exhibits under seal. As outlined above, portions of each exhibit contains confidential and proprietary business information. Each exhibit is also marked as “confidential” or contains a clause governing its confidentiality. Each of the identified excerpts are confidential and not available publically. Therefore, Summit 6 respectfully requests permission to seal the identified selected confidential portions of Exhibit 1019 and identified excerpts from Petitioner’s Corrected Reply.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.