

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC., SAMSUNG ELECTRONICS CO., LTD.
Petitioner

v.

SUMMIT 6 LLC
Patent Owner

Case: IPR2015-00806¹
Patent No. 7,765,482 B2

Title: Web-Based Media Submission Tool

**PATENT OWNER'S UNOPPOSED MOTION TO SEAL
THE DEPOSITION TRANSCRIPT OF GARY L. FRAZIER**

¹ Samsung Electronics Co., Ltd., who filed a Petition in IPR2016-00029, has been joined as a petitioner in the instant proceeding.

I. Introduction

Patent Owner Summit 6 requests permission to seal Exhibit 2075 (March 29, 2016 Deposition Transcript of Gary Frazier) as this exhibit contains confidential business information. Patent Owner files concurrently a redacted version of the March 29, 2016 Deposition Transcript of Gary Frazier as Exhibit 2076. Patent Owner met and conferred with Petitioner who does not oppose this motion to seal.

II. Exhibit 2075 Contains Confidential Information

Exhibit 2075 is the transcript of the March 29, 2016 deposition of Gary Frazier (“Frazier Transcript”). 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 information includes confidential testimony relating to the following confidential exhibits:

- Frazier Transcript at 17:24 contains confidential testimony related to the confidential provisions of Exhibit 2002 (Facebook-Summit 6 License and Settlement Agreement). Exhibit 2002 is confidential and not publicly known or available and has been sealed in this case. Accordingly, this excerpt identified in Exhibit 2075 should remain sealed.

- Frazier Transcript at 18:2 contains confidential testimony related to the confidential provisions of Exhibit 2001 (RIM-Summit 6 License and Settlement Agreement). Exhibit 2001 is confidential and not publicly known or available and has been sealed in this case. Accordingly, this excerpt identified in Exhibit 2075 should remain sealed.
- Frazier Transcript at 70:19, 25; 71:1, 11; 72:3, 7; 74:21, 25; 75:4, 8, 11–13, 24; 76:15, 17, 20, 21, 24; and 77:1, 5, 6, 23 contains confidential testimony related to the confidential provisions of Exhibit 2033 (Visual Content Services Agreement Between eBay and iPIX). Exhibit 2033 is confidential and not publicly known or available and has been sealed in this case. Accordingly, this excerpt identified in Exhibit 2075 should remain sealed.

III. Exhibit 2075 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 Exhibit 2075 under seal. As outlined above, portions of this exhibit contain confidential and proprietary business information. This exhibit is also subject to 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 2075.

IV. Standing Protective Order

The protective order found in Appendix B of the Office Patent Trial Practice Guide has already been issued in Paper 15 and all parties have also filed Standard Acknowledgments for Access to Protective Order Material. *See* Papers 14, 16, 17.

V. Conclusion

Summit 6 respectfully requests that the Board grant this Motion to Seal because it has good cause to seal confidential Exhibit 2075.

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IPR2015-00806
U.S. Pat. No. 7,765,482

Dated: April 6, 2016

Respectfully submitted,

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