

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
MOTION TO SEAL**

I. Introduction

Patent Owner Summit 6 requests permission to seal several exhibits under 37 C.F.R. § 42.14, as each exhibit contains confidential business information. Specifically, Summit 6 requests permission to seal the following exhibits:

1. Exhibit 2001: RIM–Summit 6 License and Settlement Agreement (executed October 17, 2012);
2. Exhibit 2002: Facebook–Summit 6 License and Settlement Agreement;
3. Exhibit 2020: Confidential Information Memorandum, “AdMission” (Swiftsure Capital LLC, December 13, 2004);
4. Exhibit 2021: Amendment No. 3 to the Visual Content Services Agreement Between eBay and iPIX (June 27, 2003); and
5. Exhibit 2033: Visual Content Services Agreement Between eBay and iPIX (April 19, 2000);

II. Each Exhibit Contains Confidential Information

Exhibit 2001 is a confidential license agreement between Summit 6 and Research in Motion Limited. Section 6.1 specifically notes the confidentiality of the agreement and the terms of its disclosure. The agreement contains confidential

business information about both Summit 6 and Research in Motion Limited. Thus, this information is not publicly known, and should remain confidential.

Exhibit 2002 is a confidential license agreement between Summit 6 and Facebook, Inc. Section 6.15 specifically notes the confidentiality of the agreement and the terms of its disclosure. The agreement contains confidential business information about both Summit 6 and Facebook, Inc. Thus, this information is not publicly known, and should remain confidential.

Exhibit 2020 is Swiftsure Capital LLC's Confidential Information Memorandum for AdMission. It is specifically marked "Confidential" and contains proprietary business information about the AdMission company's overall business, financial information, intellectual property, and future business opportunities. Thus, this information is not publicly known, and should remain confidential.

Exhibit 2021 is Amendment No. 3 to the Visual Content Services Agreement Between eBay and iPIX, dated June 27, 2003. Section 8 of the parties' original Visual Content Services Agreement (Exhibit 2033) specifically notes the confidentiality of the agreement, and that provision governs Amendment No. 3. The Amendment contains confidential business information about both iPIX and

eBay. Thus, this information is not publicly known, and should remain confidential.

Exhibit 2033 is the Visual Content Services Agreement Between eBay and iPIX, dated April 19, 2000. Section 8 specifically notes the confidentiality of the agreement and the terms of its disclosure. It is specifically marked “Confidential” and contains proprietary business information about both iPIX and eBay. Thus, this information is not publicly known, and should remain confidential.

III. Each Exhibit 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 Trial Practice Guide*, 77 Fed. Reg. 48756, 48760 (Aug. 14, 2012). The Board will 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 outlined exhibits under seal. As outlined above, each exhibit contains confidential and proprietary business information. Each exhibit is also marked as “confidential” or

contains a clause governing its confidentiality. Therefore, Summit 6 respectfully requests permission to seal the selected exhibits.

IV. Proposed Protective Order

Summit 6 and Google Inc. have agreed to entry of the Standing Protective Order found in Appendix B of the Trial Practice Guide.

V. Certification of Conference with Opposing Party Pursuant to 37 C.F.R. § 42.54.

A motion to seal requires a certification that the moving party has in good faith conferred or attempted to confer with the opposing party in an effort to agree as to the scope of the proposed protective order. 37 C.F.R. § 42.54; *Garmin, supra*, at 3. Counsel for Summit 6 conferred with counsel for Google, Inc. and the parties agreed to the use of the Standing Protective Order. In addition, Summit 6 and Google agreed that if either party is required to produce documents designated as Attorney's Eyes Only from the concurrent district court litigation or any other source, the parties may jointly move to modify the Standing Protective Order and include a designation with the corresponding level of confidentiality.

VI. Conclusion

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

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.