

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE INC.,  
Petitioner,

v.

SUMMIT 6 LLC,  
Patent Owner.

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Case IPR2015-00806  
Patent 7,765,482 B2

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Before HOWARD B. BLANKENSHIP, GEORGIANNA W. BRADEN, and  
KERRY BEGLEY, *Administrative Patent Judges*.

BEGLEY, *Administrative Patent Judge*.

ORDER

*Granting Patent Owner's Motion to Seal*  
*37 C.F.R. §§ 42.14, 42.54*

On June 15, 2015, Patent Owner Summit 6 LLC ("Patent Owner") filed a Motion to Seal with its Preliminary Response. Paper 13 ("Mot."). The Motion to Seal requests permission to seal five exhibits relied upon in the Preliminary Response, namely Exhibits 2001, 2002, 2020, 2021, and 2033. Mot. 1.

Patent Owner represents that Exhibits 2001, 2002, 2020, 2021, and 2033 contain confidential business information that is not publicly known. *Id.* at 1–4. Specifically, Patent Owner explains that each of Exhibits 2001, 2002, 2021, and 2033 is an agreement between Patent Owner or one of its predecessors, Internet Pictures Corporation (“iPIX”), and a third party. *See id.*; Prelim. Resp. 45, 47; Ex. 2033, 1. Each of these agreements includes an explicit confidentiality clause. *See* Mot. 1–4; Ex. 2001 § 6.1; Ex. 2002 § 6.15; Ex. 2033 § 8; Ex. 2021, 1 (explaining that agreement is an amendment of Exhibit 2033). In addition, Exhibit 2020 is a “Confidential Information Memorandum” regarding AdMission, a division of iPIX, that features an express confidentiality statement on its front page. Ex. 2020, 1–2. Patent Owner represents that this memorandum contains “proprietary business information about the AdMission company’s overall business, financial information, intellectual property, and future business opportunities.” Mot. 2.

Having considered the Motion to Seal and the relevant exhibits, we determine that Patent Owner has shown that Exhibits 2001, 2002, 2020, 2021, and 2033 contain confidential information and has established “good cause” to seal these exhibits, as required under 37 C.F.R. § 42.54(a). Accordingly, the Motion to Seal is *granted*.

Concurrent with the motion, Patent Owner filed a copy of the Board’s default Protective Order set forth in Appendix B to the Office Patent Trial Practice Guide. Paper 15. Patent Owner states that Petitioner Google Inc. and Patent Owner have “agreed to the use” of this default Protective Order. Mot. 4. Pursuant to the parties’ agreement, we enter the default Protective Order (Paper 15) in this case. This Protective Order shall apply to confidential information filed under seal in this case.

The parties are reminded that documents filed in this case will be made publicly available, unless a party files a motion to seal that is granted by the Board. *See* Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,760 (Aug. 14, 2012); 37 C.F.R. § 42.14. The parties also are reminded that there is a presumption that confidential information relied upon in a decision denying institution of *inter partes* review or a final written decision of the Board shall become public. *See* Office Patent Trial Practice Guide, 77 Fed. Reg. at 48,761. A party may file a motion to expunge the confidential information before it becomes public, yet such a motion may not necessarily prevail over the public interest in maintaining a complete and understandable file history. *Id.*; 37 C.F.R. § 42.56. Before placing confidential information in the record in this case, each party shall accept the risk that the information may become public.

#### ORDER

Accordingly, it is:

ORDERED that Patent Owner's Motion to Seal Exhibits 2001, 2002, 2020, 2021, and 2033 (Paper 13) is *granted*; and

FURTHER ORDERED that the Standing Protective Order (Paper 15) shall apply to confidential information filed under seal in this case.

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