

**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: IPR2015-00807

Patent No. 8,612,515

Title: Web-Based Media Submission Tool

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**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 2047: Summit 6-LG Electronics, Inc. License and Settlement Agreement;
2. Exhibit 2050: Declaration of Scott Lewis

## **II. Each Exhibit Contains Confidential Information**

Exhibit 2047 is a confidential license agreement between Summit 6 and LG Electronics, Inc. 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 LG Electronics, Inc. Thus, this information is not publicly known, and should remain confidential.

Exhibit 2050 is a Declaration of Scott Lewis. In Mr. Lewis' Declaration, he specifically references confidential and proprietary information about Summit 6 and its predecessors' business and financial information. Mr. Lewis also discusses confidential communications and information regarding a third party not involved in this case, eBay, Inc. 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 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 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. Standing Protective Order**

The protective order found in Appendix B of the Trial Practice Guide has already been issued in Paper 14 and all parties have also filed Standard Acknowledgments for Access to Protective Order Material. (*See* Papers 13-16.)

## V. Conclusion

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

Dated: December 9, 2015,

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## CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of December, 2015, the foregoing Patent Owner's Motion to Seal was served on lead and back-up counsel for Petitioner by sending the same by electronic means to the address provided by Petitioner:

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