

Filed on behalf of: VirnetX Inc.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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THE MANGROVE PARTNERS MASTER FUND, LTD., APPLE INC., and  
BLACK SWAMP IP, LLC,  
Petitioner

v.

VIRNETX INC.,  
Patent Owner

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Case IPR2015-01047<sup>1</sup>  
Patent 7,490,151

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**Patent Owner's Motion to Seal**

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<sup>1</sup> Apple Inc. and Black Swamp IP, LLC, who filed petitions in IPR2016-00063 and IPR2016-00167, respectively, have been joined as a Petitioner in the instant proceeding.

## **I. Introduction**

Patent Owner VirnetX Inc. (“Patent Owner”) hereby moves to seal Exhibits 2042, 2058, and 2059, and the Patent Owner’s Response, in accordance with the default protective order filed by Petitioner Mangrove Partners Master Fund, Ltd. (“Petitioner Mangrove”) on March 3, 2016 (Paper No. 43). *See* 37 C.F.R. § 42.14, 42.54. Good cause exists for granting the instant motion to seal because Exhibits 2042, 2058, and 2059, as well as information in the Patent Owner’s Response, has been designated as confidential during discovery by Petitioner Mangrove.

Patent Owner intends to ask Petitioner Mangrove what material it believes should be redacted from public versions of the Patent Owner’s Response and Exhibits 2042, 2058, and 2059. Once so indicated, Patent Owner will promptly file such papers after such filing has been authorized by the Board.

## **II. Good Cause Exists for Sealing Certain Information Designated as Confidential**

The standard governing the Board’s determination of whether to grant a motion to seal is “good cause.” *Garmin v. Cuozzo*, IPR2012-00001, Paper No. 36 (Apr. 5, 2013). In that regard, the Board must “strike a balance between the public’s interest in maintaining a complete and understandable file history and the parties’ interest in protecting truly sensitive information.” *Id.*

Exhibits 2042, 2058, and 2059, and the Patent Owner’s Response, include information that Petitioner Mangrove has asserted as confidential during discovery.

Because the relevant information has been designated as confidential by Petitioner Mangrove, Patent Owner intends to ask Petitioner Mangrove what material it believes should be redacted from public versions of the Patent Owner's Response and Exhibits 2042, 2058, and 2059. Once so indicated, Patent Owner will promptly file such papers after such filing has been authorized by the Board.

### **III. Proposed Protective Order**

Petitioner Mangrove filed a Motion for Entry of the Default Protective Order on March 3, 2016. (Paper No. 43). Pursuant to Section 4(B) of the protective order, Exhibits 2042, 2058, and 2059, and the Patent Owner's Response, have been clearly marked as "PROTECTIVE ORDER MATERIAL."

### **IV. Conclusion**

For the foregoing reasons, Patent Owner respectfully requests that the Board seal Exhibits 2042, 2058, and 2059, and the Patent Owner's Response.

Respectfully submitted,

Dated: March 21, 2016

By: /Joseph E. Palys/

Joseph E. Palys  
Registration No. 46,508

Counsel for VirnetX Inc.

## CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that I caused to be served on the counsel for Petitioners a true and correct copy of the foregoing Patent Owner's Motion to Seal by electronic means on the date below at the following address of record:

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Respectfully submitted,

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