

Filed on behalf of: VirnetX Inc.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

VIRNETX INC.,
Patent Owner

Case IPR2015-01047¹
Patent No. 7,490,151

Patent Owner's Motion to Seal

¹ Apple Inc. and Black Swamp, LLC, who filed petitions in IPR2016-00063 and IPR2016-00167, respectively, have been joined as Petitioners in the instant proceeding.

I. Introduction

Patent Owner VirnetX Inc. (“Patent Owner”) hereby moves to seal Patent Owner’s Reply in Support of Motion for Additional Discovery, 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 information in Patent Owner’s Reply in Support of Motion for Additional Discovery has been designated as confidential by Petitioner Mangrove.

Patent Owner intends to ask Petitioner Mangrove what material it believes should be redacted from a public version of Patent Owner’s Reply in Support of Motion for Additional Discovery. Once so indicated, Patent Owner will promptly file the public version.

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.*

Patent Owner’s Reply in Support of Motion for Additional Discovery includes information that Petitioner Mangrove has asserted as confidential.

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 a public version of Patent Owner's Reply in Support of Motion for Additional Discovery. Once so indicated, Patent Owner will promptly file the public version.

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, Patent Owner's Reply in Support of Motion for Additional Discovery has been clearly marked as "PROTECTIVE ORDER MATERIAL."

IV. Conclusion

For the foregoing reasons, Patent Owner respectfully requests that the Board seal Patent Owner's Reply in Support of Motion for Additional Discovery.

Respectfully submitted,

Dated: October 11, 2019

By: /Joseph E. Palys/

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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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