

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION,
Petitioner

v.

RAYTHEON COMPANY,
Patent Owner

Case IPR2015-01201

Patent 5,591,678

**PATENT OWNER'S MOTION FOR ENTRY OF A MODIFIED
PROTECTIVE ORDER**

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EXHIBIT LIST

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
2001	Declaration of Michelle C. Bates, dated February 19, 2016
2002	Redline version of Modified Protective Order
2003	Clean version of Modified Protective Order
2004	Agreed Protective Order Regarding the Disclosure and Use of Discovery Materials in Raytheon v. Samsung (15-cv-341) signed by Judge Payne on August 21,2015
2005	Declaration of John Abramic, dated February 19, 2016

I. INTRODUCTION

Pursuant to (1) 37 CFR 42.54, (2) the guidelines provided in Appendix B of the Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,771 (Aug. 14, 2012), and (3) authorization from the Board in a teleconference in the present proceeding on February 16, 2016, Patent Owner moves for entry of a modified protective order in the present proceeding.

Patent Owner intends to submit, with its Patent Owner Response, documents that are subject to The International Traffic in Arms Regulations (“ITAR”), 22 C.F.R. Parts 120-130. Accordingly, Patent Owner moves for the entry of a modified version of the Board’s default protective order that includes provisions related to ITAR. Patent Owner requests entry of the Modified Protective Order attached to this Motion as Ex. 2002 (redline as compared to the Default Protective Order) and Ex. 2003 (clean).

II. BACKGROUND

A. Patent Owner

Patent Owner, Raytheon Company, is a technology and innovation leader that has developed technologies for numerous applications, including for national defense. (Ex. 2001, Declaration of Bates, at ¶5.) Raytheon is a major defense contractor for the United States and much of the technology and information

developed at Raytheon is subject to strict confidentiality requirements and regulations, including ITAR. (Id.) Raytheon owns U.S. Patent No. 5,591,678 (“678 Patent”), the challenged patent in the current proceeding, which relates to methods for making microelectronic devices. Certain applications for microcircuits made according the inventions claimed in the 678 Patent relate to national defense.

B. The Need For A Modified Protective Order

The Board granted *inter partes* review of the 678 Patent based on multiple grounds, including grounds based on anticipation and obviousness. (Paper 6 at 23-24.) One of the references supporting several of the grounds is Bertin, which Petitioner alleges is prior art to the 678 Patent under 35 USC 102(e). (Petition at 18.) In connection with the Patent Owner Response, Patent Owner intends to submit documents regarding, *inter alia*, the conception and reduction to practice of the 678 Patent inventions to establish that Bertin is not prior art under 35 USC 102(e). Certain documents that Patent Owner intends to submit are subject to ITAR (referred to herein as, the “ITAR Documents”). (Ex. 2005, Declaration of Abramic, at ¶3; Ex. 2001, Declaration of Bates, at ¶4.) Raytheon takes its obligations and commitment to national security very seriously. (Ex. 2001 at ¶6.)

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