

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION,

Petitioner,

v.

RAYTHEON COMPANY,

Patent Owner.

Case IPR2015-01201

U.S. Pat. No. 5,591,678

**PETITIONER'S UNOPPOSED MOTION TO SEAL PURSUANT TO
37 C.F.R. § 42.14**

I. INTRODUCTION

Pursuant to 37 CFR § 42.14 and the Board’s decision on Patent Owner’s Motion for Entry of a Modified Protective Order (Paper No. 19 at 10), Petitioner requests that the Board seal Petitioner’s Reply to Patent Owner’s Response and Exhibit Nos. 1027–1030. Exhibit Nos. 1027–1030 are transcripts of depositions of Patent Owner’s declarants. Patent Owner requested that the deposition transcripts be marked confidential/ITAR-Restricted under the Protective Order. (Paper 20). Information from the documents that Patent Owner requested to be marked confidential/ITAR-Restricted is discussed in Petitioner’s Reply to Patent Owner’s Response. Petitioner is therefore filing the instant motion to seal the Reply and Exhibit Nos. 1027–1030 in deference to Patent Owner’s confidentiality designations. Patent Owner does not oppose.

II. THE PROTECTIVE ORDER

Patent Owner moved for entry of a modified protective order herein because Patent Owner indicated that it was necessary to submit confidential documents, including documents that are subject to The International Traffic in Arms Regulations (“ITAR”), in connection with its Patent Owner Response. (Paper 14). The Board granted Patent Owner’s motion and Ordered Patent Owner to (1) file a clean copy of the Protective Order (revised as indicated in the Board’s Order) and (2) submit a signed copy of the Protective Order as an exhibit “with the first-filed

Motion to Seal in this proceeding.” (Paper 19 at 11). Patent Owner filed the Protective Order (Paper 20), and filed a signed copy of the Protective Order as Exhibit 2065 with its Motion to Seal of March 11, 2016 (Paper 21).

III. PETITIONER’S MOTION TO SEAL

The Office Patent Trial Practice Guide provides that “the rules aim to 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.” 77 Fed. Reg. 48,756, 48,760 (Aug. 14, 2012). Those rules “identify confidential information in a manner consistent with Federal Rule of Civil Procedure 26(c)(1)(G), which provides for protective orders for trade secret or other confidential research, development, or commercial information.” *Id.* (citing 37 C.F.R. § 42.54).

In its motion for a Protective Order, Patent Owner indicated that certain applications for microcircuits made according to U.S. Patent No. 5,591,678 (“the ’678 Patent”), the patent at issue in this proceeding, relate to national defense and are thus subject to strict confidentiality requirements and regulations, including ITAR. (Paper 14 at 1-2). In particular, Patent Owner has identified information relating to the conception and reduction to practice of the ’678 Patent as subject to ITAR. (*Id.* at 2).

Accordingly, Petitioner requests that the following documents be sealed:

Exhibits 1027–1030

In connection with the Reply to Patent Owner’s Response, Petitioner submits five deposition transcripts of Patent Owner’s declarants, the following four of which Patent Owner has requested to have marked confidential or ITAR-Restricted in their entirety because Patent Owner has indicated that they contain information related to the conception and reduction to practice of the ’678 Patent, and contain information from Exhibits identified in Patent Owner’s Motion to Seal as confidential and ITAR-Restricted. (Paper 21 at 3-6).

- 1) Deposition transcript of A. Bruce Buckman (May 5, 2016) (Ex. 1027).
- 2) Deposition transcript of Ronald M. Finnila (May 16, 2016) (Ex. 1028).
- 3) Deposition transcript of Joseph J. Bendik (May 17, 2016) (Ex. 1029).
- 4) Deposition transcript of Gerald T. Malloy (May 27, 2016) (Ex. 1030).

Accordingly, because Patent Owner has requested that Exhibits 1027-1030 be marked as confidential and ITAR-Restricted under the Protective Order (Paper No. 20), Petitioner respectfully requests that Exhibits 1027-1030 be sealed. Patent Owner does not oppose.

Reply to Patent Owner’s Response

Petitioner’s Reply to Patent Owner’s Response contains excerpts from and discussion of the Exhibits identified in the instant motion, as well as from the Exhibits identified as confidential and ITAR-Restricted in Patent Owner’s Motion

to Seal. (Paper 21 at 3-6). Accordingly, because information that Patent Owner requested to be marked confidential and ITAR-Restricted under the Protective Order (Paper No. 20) is discussed in the Reply, Petitioner respectfully requests that the Reply be sealed. Patent Owner does not oppose. Petitioner is concurrently filing a non-confidential version of the Reply with the confidential and ITAR-Restricted material redacted.

IV. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Board seal Petitioner's Reply to Patent Owner's Response and Exhibit Nos. 1027–1030.

Dated: June 20, 2016

Respectfully submitted,

By: /Matthew A. Smith/

Matthew A. Smith (Reg. No. 49,003)
Jennifer Seraphine (*pro hac vice*)
Jacob Zweig (*pro hac vice*)
Turner Boyd LLP
702 Marshall Street, Suite 640
Redwood City, CA 94063
(650) 265-6109

T. Cy Walker (Reg. No. 52,337)
Robert Hails (Reg. No. 39,702)
BakerHostetler
1050 Connecticut Avenue, NW
Suite 1100
Washington, D.C. 20036-5304
(202) 861-1688

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.