

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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PRONG, INC.,  
Petitioner,

v.

YEOSHUA SORIAS,  
Patent Owner.

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Case IPR2015-01317  
Patent 8,712,486 B2

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Before SALLY C. MEDLEY, GLENN J. PERRY, and  
KIMBERLY McGRAW, *Administrative Patent Judges*.

McGRAW, *Administrative Patent Judge*.

ORDER  
Conduct of the Proceeding  
*37 C.F.R. § 42.5*  
Granting Patent Owner's Motion to Seal  
*37 C.F.R. § 42.14*

Patent Owner filed “Patent Owner’s Motion to Seal and Parties’ Joint Request for Entry of Protective Order” (Paper 29) accompanying its Response on March 18, 2016.<sup>1</sup> For the following reasons, the motion is granted and the protective order is entered.

*Protective Order*

The parties have conferred and have reached agreement as to the terms and the scope of the Proposed Protective Order. *Id.* 9–10. Patent Owner filed a redline version of the Proposed Protective Order And Default Protective Order (Paper 29, Exhibit B) identifying how the Proposed Agreed-On Protective Order departs from the Board’s default order appearing in the Trial Practice Guide. These difference include modifying and/or deleting Sections 2(A), 2(D), and 2(E) to reflect that patent owners, named parties to the proceeding, employees, and other similar individuals will not be permitted to access confidential information unless a showing that access to such confidential information should be granted. *Id.* 9–10.

We have reviewed the Proposed Agreed-On Protective Order and determine that it is acceptable.

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<sup>1</sup> On March 18, 2016, Patent Owner filed a redacted (Paper 27) and unredacted (Paper 28) version of their Response. The unredacted Response was filed again on March 19, 2016 as Paper 30 with a footer indicating the document contains Protective Order Material.

*Motion to Seal*

In its Motion, Patent Owner seeks to seal certain portions of various “Confidential Documents,” the Declarations of Mr. David Paris (Ex. 2043) and Mr. Yeoshua Sorias (Ex. 2046), and Patent Owner’s Response (Paper 30). Paper 29, 2–3. Patent Owner has filed non-confidential, redacted versions of these documents. According to Patent Owner, these documents include confidential business information. Paper 29, 2–8.

A summary of Patent Owner’s assertions regarding each of the documents that is the subject of Patent Owner’s Motion to Seal is included in the following table:

Exhibit No.	Patent Owner’s Reason for Sealing
2058	It contains significant confidential information, including the identity of the purchaser/distributor and pricing terms, throughout. Paper 29, 4.
2060	It contains significant confidential information, including the identities of both the purchaser/distributor and the manufacturer, as well as pricing and other business terms, throughout. <i>Id.</i>
2074	It contains significant confidential information, including the identities of both the distributor and the purchaser, as well as pricing and other business terms, throughout. <i>Id.</i>
2075	It contains significant confidential information, including the identities of both the distributor and the purchaser, as well as pricing and other business terms, throughout. <i>Id.</i>
2076	It contains significant confidential information, including the identities of both the distributor and the purchaser, as well as pricing and other business terms, throughout. <i>Id.</i> at 5.
2078	It contains significant confidential information, including the identity of the purchaser, as well as pricing and other business terms. <i>Id.</i>

2079	It contains significant confidential information, including the identity of the distributor, as well as pricing and other business terms. <i>Id.</i>
2080	It contains significant confidential information, including the identity of the purchaser, as well as other business terms. <i>Id.</i>
2081	It contains significant confidential information, including the identity of the purchaser, as well as other business terms. <i>Id.</i> at 6.
2083	It contains confidential business information, including the proportional equity and ownership interests of the principals of Zilicon. <i>Id.</i>
2084	It contains significant confidential information, including the identity of the purchaser, as well as pricing and other business terms. <i>Id.</i>
2085	It contains significant confidential information, including the identity of the manufacturer, pricing information and other business terms, tax information, and the manufacturer's banking information and payment details. <i>Id.</i>
2087	It contains significant confidential information, including the identities of both the purchaser/distributor and the manufacturer, as well as pricing and other business terms, throughout. <i>Id.</i> at 7.
2090	It contains significant confidential information, including the identity of the purchaser, as well as other business terms. <i>Id.</i>
2046	It contains significant confidential business information, including the identities of Zilicon's current, former, and potential manufacturers, purchasers, distributors, customers, and other business partners, as well as pricing and other financial information, throughout. This information includes, but is not limited, to confidential information reflected in the exhibits identified above. <i>Id.</i>
2043	Portions of [this] report contain significant confidential business information related to Zilicon, including the

	identities of Zilicon’s current, former, and potential manufacturers, purchasers, distributors, customers, and other business partners, as well as pricing and other financial information. This information includes confidential information reflected in the exhibits identified above. <i>Id.</i> at 7–8.
Response	The Patent Owner’s Response includes discussions of secondary considerations of non-obvious based on commercial success. Portions of these arguments include significant confidential information, including the identity of the manufacturers and other business partners, and confidential sales information, including pricing and other business terms for the Squirrel Charger. This information includes confidential information or summaries thereof reflected in the exhibits identified above. <i>Id.</i> at 8.

Patent Owner’s counsel “certifies that based on a diligent investigation, the Confidential Documents and requested redacted information have not been published or otherwise made public.” *Id.* at 9.

Petitioner did not file an opposition to Patent Owner’s Motion to Seal.

There is a strong public policy for making all information filed in an *inter partes* review open to the public. *Garmin Int’l v. Cuozzo Speed Techs., LLC*, IPR2012-00001, slip op. at 1–2 (PTAB Mar. 14, 2013) (Paper 34). The standard for granting a motion to seal is “for good cause.” 37 C.F.R. § 42.54(a). For this reason, except as otherwise ordered, the record of an *inter partes* review trial shall be made available to the public. *See* 35 U.S.C. § 316(a)(1); 37 C.F.R. § 42.14. Motions to seal may be granted for good cause; until the motion is decided, documents filed with the motion shall be sealed provisionally. *See* 37 C.F.R. §§ 42.14, 42.54(a). The moving party

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