

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 Petitioner's Motion to Seal  
37 C.F.R. §§ 42.14, 42.54

On March 28, 2016, Petitioner filed “Petitioner’s Motion to Seal Pursuant to 37 C.F.R. §§ 42.14 and 42.54. Paper 33, “Mot.”. For the following reasons, the motion is granted.

In its Motion, Petitioner seeks to seal certain portions of the concurrently filed Petitioner’s Notice of Objections to Evidence (Paper 34). Specifically, Petitioner seeks to seal the names of the affiants in three affidavits that were submitted by Patent Owner as Exhibits 2080, 2081, and 2090. Mot. 1. Petitioner states Patent Owner indicates the identities of the affiants constitutes confidential information (*Id.*, citing Paper 29) and that the Board has already granted a motion filed by Patent Owner to seal unredacted versions of these affidavits (*Id.*, citing Paper 32). Petitioner has also filed a redacted version of Petitioner’s Notice of Objections to Evidence. Paper 35.

Petitioner’s counsel “certifies that based on a diligent investigation, the Confidential Document and requested redacted information has not been published or otherwise made public.” Mot. 2.

Patent Owner did not file an opposition to Petitioner’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

IPR2015-01317  
Patent 8,712,486 B2

sealed provisionally. *See* 37 C.F.R. §§ 42.14, 42.54(a). The moving party bears the burden of showing that there is good cause to seal the record. *See* 37 C.F.R. § 42.20(c).

Upon considering the content of the Petitioner's Notice of Objections to Evidence, along with Patent Owner's representations as to the confidentiality of the information (Paper 29), we determine that good cause exists for sealing the above identified document. Accordingly, Petitioner's Motion to Seal Petitioner's Notice of Objections to Evidence (Paper 34) is *granted*.

The parties are reminded that confidential information that is subject to a protective order in these proceedings ordinarily will become public 45 days after final judgment in a trial. *See* Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,761 (Aug. 14, 2012). Additionally, the parties are reminded that there is an expectation that information will be made public where the existence of the information is identified in a final written decision following a trial. *Id.* Furthermore, a motion to expunge the information will not necessarily prevail over the public interest in maintaining a complete and understandable file history.

In consideration of the foregoing, it is hereby:

ORDERED that the Petitioner's Motion to Seal is *granted*.

IPR2015-01317  
Patent 8,712,486 B2

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