

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RPX CORPORATION,
Petitioner,

v.

APPLICATIONS IN INTERNET TIME, LLC,
Patent Owner.

IPR2015-01750 (Patent 8,484,111 B2)
IPR2015-01751 (Patent 7,356,482 B2)
IPR2015-01752 (Patent 7,356,482 B2)

Before SCOTT R. BOALICK, *Chief Administrative Patent Judge*,
JACQUELINE WRIGHT BONILLA, *Deputy Chief Administrative Patent Judge*,
and SCOTT C. WEIDENFELLER, *Vice Chief Administrative Patent Judge*.

WEIDENFELLER, *Vice Chief Administrative Patent Judge*

ORDER

Regarding Confidential Information Subject to Protective Order
37 C.F.R. § 42.54¹

I. INTRODUCTION

¹ This decision pertains to Cases IPR2015-01750, IPR2015-01751, and IPR2015-01752. Citations are to the paper numbers in Case IPR2015-01750.

IPR2015-01750 (Patent 8,484,111 B2)

IPR2015-01751, IPR2015-01752 (Patent 7,356,482 B2)

On May 3, 2021, the panel held a conference call with the parties to discuss Petitioner's request regarding the destruction of confidential information produced under the Protective Order in these proceedings, Ex. 3001. Petitioner argues that such information should be destroyed, consistent with paragraph (i) of the Board's Protective Order Guidelines set forth in the Consolidated Trial Practice Guide:

Disposal of Confidential Information. Within 60 days after final termination of a proceeding, including any appeals, or within 60 days after the time for appeal has expired, each party shall assemble all copies of all confidential information it has received, including confidential information provided to its representatives and experts, and shall return or destroy the confidential information and provide a certification of destruction to the party who produced the confidential information.

Consolidated Trial Practice Guide 115 (Nov. 2019) ("TPG"), *available at* <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

The parties agreed to abide by this guideline, but they could not reach agreement concerning the timing for action to be taken with respect to the confidential information at issue in these IPRs. Petitioner argues that the deadline for disposing of confidential information was March 30, 2021, 60 days after the time for appeal of the rehearing decision expired. Patent Owner argues that there is no such deadline, as the Protective Order in these proceedings (unlike the Default Protective Order in the TPG) does not include a provision requiring such disposal. *See* Ex. 3001. Patent Owner is correct that there is no deadline expressly designated in the Protective Order in these proceedings, but we do not think delay is warranted in disposing of the confidential information, especially in light of the guidance presented in the TPG, as noted above. Accordingly, we order the parties

IPR2015-01750 (Patent 8,484,111 B2)

IPR2015-01751, IPR2015-01752 (Patent 7,356,482 B2)

to destroy the confidential information of the other party on or before May 7, 2021.²

Petitioner also notes that the parties have access to such confidential information maintained in Board systems. Petitioner therefore also asks us to order the parties not to access such information. We agree, and we therefore order the parties not to access confidential information maintained in Board systems after May 7, 2021.

II. ORDER

It is hereby

ORDERED that on or before May 7, 2021, each party shall assemble all copies of all confidential information it has received, including confidential information provided to its representatives and experts, and shall destroy the confidential information and provide a certification of destruction to the party who produced the confidential information; and

FURTHER ORDERED that neither party shall access confidential information of the other party maintained in the Board's systems.

² Petitioner has represented that it will retain copies of its own confidential information that may be subject to a subpoena in a related matter.

IPR2015-01750 (Patent 8,484,111 B2)
IPR2015-01751, IPR2015-01752 (Patent 7,356,482 B2)

For PETITIONER:

Richard Giunta
Randy Pritzker
Elisabeth Hunt
Michael Rader
WOLF, GREENFIELD & SACKS, P.C.
rgiunta-ptab@wolfgreenfield.com
rpritzker-ptab@wolfgreenfield.com
ehunt-ptab@wolfgreenfield.com
mrader-ptab@wolfgreenfield.com

For PATENT OWNER:

Steve Sereboff
Jonathan Pearce
SOCAL IP LAW GROUP LLP
ssereboff@socalip.com
jpearce@socalip.com

Andrea Pacelli
Robert Whitman
KING & WOOD MALLESONS
andrea.pacelli@us.kwm.com
robert.whitman@us.kwm.com