

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.

Petitioner

v.

BLITZSAFE TEXAS, LLC

Patent Owner

IPR2016-00118

Patent 8,155,342

Multimedia Device Integration System

JOINT MOTION TO SEAL AND JOINT PROTECTIVE ORDER

I. MOTION TO SEAL

Patent Owner has informed Petitioner that it intends to include highly confidential and extremely sensitive information in connection with Patent Owner's Preliminary Response, including information related to Unified's core business. Patent Owner identifies the following documents as central to its argument in Patent Owner's Preliminary Response that Petitioner has not identified all of the real parties in interest in this proceeding. Pursuant to 37 C.F.R. §§ 42.14 and 42.55, the parties hereby jointly move to seal Exhibits 2007-2011, which contain such information:

Ex. #	Exhibit
2007	Member Agreement and Subscription Form
2008	Member Agreement and Subscription Form
2009	Member Agreement and Subscription Form
2010	Member Agreement and Subscription Form
2011	Confidential email from Kevin Jakel to Peter Lambrianakos.

The parties also jointly move to seal Patent Owner's Preliminary Response because it cites to and incorporates information from these documents. Exhibits 2007-2011 contain highly confidential and extremely sensitive information related to Unified's core business, including the identification of Unified's members as

well as the terms of their membership. As discussed in connection with the Protective Order below, Unified guards such information to protect its members as well as its own business. Unified has not and would never make this information publicly available. As discussed in connection with the protective order below, adverse consequences to Unified would result from public disclosure of this information.

Unified agrees to publicly file redacted versions of the aforementioned Exhibits within a reasonable time after the submission of Patent Owner's Preliminary Response. Patent Owner agrees to publicly file a redacted version of its Preliminary Response within a reasonable time after its submission. The parties believe that doing so will allow the public sufficient information to understand the record.

In light of the facts that (1) the parties believe that the public will have a sufficiently complete record upon entry of redacted versions of the exhibits filed under seal, (2) as discussed below, disclosure of the information would result in significant harm to Unified, and (3) Patent Owner needs to rely on the information (as discussed above), the balance of these factors favor sealing, and the parties request that the aforementioned Exhibits be sealed.

II. PROTECTIVE ORDER

The parties have agreed upon entry of a Protective Order in this case. The agreed Protective Order is attached hereto as Exhibit A. The agreed Protective Order deviates from the Board's default Protective Order in two respects, discussed further below.

A. Limits on persons to whom material may be disclosed

One way in which the agreed Protective Order differs from the Board's default Protective Order is that it prohibits in-house counsel or other party employees from accessing certain classes of confidential information—designated “HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY.” The parties submit that, in light of the reasons discussed above and herein, such limitations are necessary in this proceeding.

Petitioner characterizes its business as follows: Unified's core business is adverse to non-practicing entities (NPEs). It reduces NPE litigation risk by protecting key technology sectors. Companies in a technology sector subscribe to Unified's technology-specific deterrence, and in turn, Unified performs many NPE-deterrent activities. *See* Petitioner's Voluntary Interrogatory Response No. 1. Unified's membership list is held in the strictest of confidence because members fear that if their identity were known, NPEs would retaliate. Such retaliation

potentially subjects Unified's members to NPE retaliation, including litigation, and would severely impact Unified's ability to conduct business. That is why such information is subject to confidentiality provisions within the membership agreements. Unified accordingly seeks heightened protection for such materials disclosed in connection with this proceeding, and submits that such information should be kept under seal to protect not only Unified but also its members. These changes do not affect access to confidential information for employees and representatives of the Patent and Trademark Office who have a need for access to the confidential information.

B. Application of limits only to confidential information marked “CONFIDENTIAL - PROTECTIVE ORDER MATERIAL” or “HIGHLY CONFIDENTIAL –ATTORNEYS’ EYES ONLY”

The agreed Protective Order also deviates from the Board's default protective order to expressly clarify that the limits in the Board's protective order apply only to confidential information that is marked “CONFIDENTIAL - PROTECTIVE ORDER MATERIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” in this proceeding. This clarifies that any documents produced in other proceedings or produced with different markings will not be affected by the terms of the Board's protective order in this proceeding. Rather, the Protective Order will govern only materials marked “CONFIDENTIAL

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