

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SONY CORPORATION,

Petitioner,

v.

RAYTHEON COMPANY,

Patent Owner.

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Case IPR2015-00209

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

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

## **I. INTRODUCTION**

Pursuant to 37 CFR § 42.14, Petitioner requests that the Board enter the attached protective order and seal Petitioner's Reply to Patent Owner's Response and Exhibit No. 1021. Exhibit 1021 is a transcript of a deposition of one of the Patent Owner's declarants (Dr. Drab). Patent Owner requested that the deposition transcripts be marked confidential/ITAR-Restricted under the Protective Order entered in IPR2015-001201 pending for the same '678 patent. Information from the Drab deposition transcript 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. 1021, as a courtesy to the Patent Owner and in deference to Patent Owner's confidentiality designations. Patent Owner does not oppose.

## **II. THE PROPOSED PROTECTIVE ORDER**

In co-pending *inter partes* review IPR2015-01201 (involving the same patent and parties), Raytheon moved for a protective order. Sony opposed certain provisions in the order. The panel rendered a decision directing Raytheon to file a revised order with certain specified changes. (IPR2015-01201, Paper No. 19).

The parties in this proceeding have conferred, and agree that the protective order from co-pending IPR2015-01201 (as directed by the panel) can be entered in

this proceeding. A copy is attached at the end of this motion.

Raytheon requested that Sony provide the following statement in this motion: “For the purposes of this motion, Raytheon does not oppose entry of the protective order from IPR2015-01201. Raytheon is investigating whether additional governmental restrictions apply to material that may be submitted in the IPR, and whether Raytheon will need to seek authorization to add additional provisions to the protective order.”

### **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).

Raytheon indicated that the transcript of the deposition of Dr. Drab relates to national defense and is thus subject to strict confidentiality requirements and regulations, including ITAR. Accordingly, Petitioner requests that Ex. 1021 be sealed. Patent Owner does not oppose.

Petitioner's Reply to Patent Owner's Response contains excerpts from and discussion of Exhibit 1021. Accordingly, because information that Patent Owner requested to be marked confidential and ITAR-Restricted under the Protective Order 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 1021.

Dated: August 19, 2016

Respectfully submitted,

By: /Matthew A. Smith/

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