

UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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SONY CORPORATION  
SAMSUNG ELECTRONICS, CO., LTD.,  
SAMSUNG ELECTRONICS AMERICA, INC. and  
SAMSUNG SEMICONDUCTOR, INC.,  
Petitioners

v.

RAYTHEON COMPANY,  
Patent Owner

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**Case: IPR2016-00209**  
**Patent 5,591,678**

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

## **I. Introduction**

This proceeding, along with IPR2015-001201, which have been combined for purposes of the hearing on October 13, 2016 (*see* Paper No. 35), contains information that is confidential and restricted by the International Traffic in Arms Regulations (“ITAR”). On March 11, 2016, the Board entered a Protective Order in IPR2015-001201. [Paper No. 20, IPR2015-01201.] The same Protective Order should be entered in this proceeding given the confidential/ITAR-restricted nature of certain information in the case (*i.e.* the exhibit Patent Owner seeks to file under seal herewith). Petitioner has already filed that Protective Order with its Unopposed Motion to Seal. [Paper No. 30.]

Pursuant to 37 CFR § 42.14 and permission from the Board on the September 21, 2016 conference call, Patent Owner requests that the Board seal Exhibit No. 2031 under the Protective Order. Exhibit No. 2031 is confidential and restricted by the International Traffic in Arms Regulations (“ITAR”). Petitioner does not oppose.

## **II. The Protective Order**

Petitioner’s Unopposed Motion to Seal dated August 19, 2016 attached a copy of the Protective Order entered in IPR2015-001201. [Paper No. 30, IPR2016-001201; *see* Paper No. 20, IPR2015-01201]. As indicated in that motion, Patent

Owner agrees with Petitioner that the Protective Order from co-pending IPR2016-001201 should be entered in this proceeding. Accordingly, Patent Owner respectfully requests that the Board enter that Protective Order in this case.

### **III. Patent Owner'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).

Exhibit 2031, referenced in 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, Patent Owner requests that Ex. 2031 be sealed. Petitioner does not oppose.

#### IV. Conclusion

For the foregoing reasons, Patent Owner respectfully requests that the Board seal Exhibit 2031 and enter the Protective Order attached to Petitioner's August 19, 2016 motion.

Dated: October 7, 2016

Respectfully submitted,

/Thomas J. Filarski/

Thomas J. Filarski

Reg. No. 31,612

*Counsel for Raytheon Company*

Customer Number: 27890  
Step toe & Johnson, LLP  
115 S. LaSalle Street, Suite 3100  
Chicago, IL 60603  
Telephone: (312) 577-1252

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing **PATENT OWNER'S MOTION TO SEAL** was served on October 7, 2016 in its entirety by filing this document through the Patent Trial and Appeal Board End to End system (PTAB E2E) as well as by delivering a copy via electronic mail to the following:

<p>Matthew A. Smith Jennifer Seraphine Jacob Zweig TURNER BOYD LLP smith@turnerboyd.com seraphine@turnerboyd.com zweig@turnerboyd.com</p> <p>Robert Hails T. Cy Walker BAKER &amp; HOSTETLER LLP rhails@bakerlaw.com cwalker@bakerlaw.com</p> <p>Attorneys for Petitioner Sony Corporation</p>	<p>Heath J. Briggs Patrick J. McCarthy GREENBERG TRAURIG, LLP briggs@gtlaw.com mccarthy@gtlaw.com</p> <p>Attorneys for Petitioners Samsung Electronics, Co. Ltd., Samsung Electronics America, Inc. and Samsung Semiconductor, Inc.</p>
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Date: October 7, 2016

By: /Thomas J. Filarski/  
Thomas J. Filarski  
Reg. No. 31,612  
Steptoe & Johnson LLP  
115 S. LaSalle Street, Suite 3100  
Chicago, IL 60603  
Telephone: (312) 577-1252

*Counsel for Raytheon Company*