

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner

v.

BRADIUM TECHNOLOGIES LLC,
Patent Owner

Case IPR2016-00448
Patent 7,908,343 B2

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

Pursuant to 37 C.F.R. §§ 42.14 and 42.54 Patent Owner Bradium Technologies LLC (“Patent Owner”) respectfully requests that the Board enter the proposed Protective Order (Paper 14) and seal Exhibits 2022 and 2029 and the portions of Patent Owner’s Response, and the Declaration of Mr. Isaac Levanon (Exhibit 2004) that contain material derived from Exhibits 2022 and 2029. The Parties have conferred regarding this motion and Petitioner Microsoft Corporation does not oppose the Motion.

I. PROPOSED PROTECTIVE ORDER

The parties have conferred and agreed to the proposed Protective Order is the Default Standing Protective Order, a signed copy of which has been filed as Paper 14 pursuant to the Scheduling Order Section D. (See Paper 10 at p.5.)

II. 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).

Patent Owner Bradium has good cause to seal Exhibits 2022 and 2029 because both exhibits are confidential commercial information.

Exhibit 2022 is a confidential Project Report signed by Mr. Isaac Levanon, listed inventor for the '343 Patent. The report is stamped as COMMERCIAL-IN-CONFIDENCE at the top of each page. This Report contains comprehensive technical information, financial summaries, financial terms, and projected sales information.

Exhibit 2029 is a confidential License Agreement signed by Mr. Isaac Levanon. This agreement includes licensing and financial terms. The agreement imposes a confidentiality requirement. Exhibit 2029 at 7 (Section 11). DENSO Corporation has requested that Patent Owner Bradium maintain Exhibit 2029 as confidential pursuant to a protective order.

Further, in accordance with the protective order (Paper 14) § 4(A)(ii), the non-confidential version of the Patent Owner's Response and of the Declaration of Mr. Isaac Levanon (Exhibit 2004) is concurrently being filed by Patent Owner with confidential information redacted.

II. CONCLUSION

For the foregoing reasons, Exhibits 2022 and 2029, Patent Owner respectfully requests that the Board seal Exhibits 2022 and 2029 and the portions of Patent Owner's Response, and the Declaration of Mr. Isaac Levanon (Exhibit

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2004) that contain material derived from Exhibits 2022 and 2029.

Dated: November 7, 2016

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on November 7, 2016, the foregoing *Patent Owner's Motion to Seal* is being served via electronic mail upon the following counsel of record for Petitioner:

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