

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner

v.

BRADIUM TECHNOLOGIES LLC,
Patent Owner

CASE IPR2016-00449
Patent 8,924,506 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 seal portions of Patent Owner’s Opposition to Petitioner’s Motion to Exclude that contain material derived from sealed portions of the Patent Owner’s Response (Paper 16) and the Levanon Declaration (Ex. 2004). The Parties have conferred regarding this motion and Petitioner Microsoft Corporation does not oppose the Motion.

I. 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 portions of its Opposition to Petitioner’s Motion to Exclude because the portions in question reference already-sealed portions of Patent Owner’s Response and the Levanon Declaration, which

themselves reference sealed Exhibits 2022 and 2029. Exhibits 2022 and 2029 and the portions cited therefrom contain 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 15, Exhibit A) § 4(A)(ii), the non-confidential version of the Patent Owner's Opposition to Petitioner's Motion to Exclude is concurrently being filed by Patent Owner with confidential information redacted.

II. CONCLUSION

For the foregoing reasons, Patent Owner respectfully requests that the Board seal the portions of Patent Owner's Opposition to Petitioner's Motion to Exclude that contain material derived from the sealed portions of Patent Owner's Response

and the Declaration of Mr. Isaac Levanon (Ex. 2003), which themselves reference the sealed Exhibits 2022 and 2029.

Dated: March 31, 2017

/s/ Chris J. Coulson

Chris J. Coulson (Reg. No. 61,771)

Lead Counsel for Patent Owner

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on March 31, 2017, 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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