

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AMX LLC and DELL INC.,  
Petitioners,

v.

CHROMAR SYSTEMS, INC.,  
Patent Owner.

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Case IPR2016-00569 (Patent 8,942,107)

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**PETITIONERS' MOTION TO SEAL**

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Petitioners respectfully move the Board to seal Exhibits 1039 and 1040, which contain excerpts from a deposition transcript of AMX employee Mr. Robert Noble (“the deposition excerpts”).

### **I. Good Cause Exists for Sealing the Deposition Excerpts**

In determining whether to grant a motion to seal, the Board must find “good cause” and “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.” 37 C.F.R. § 42.54(a); 77 Fed. Reg. 48756, 48760 (Aug. 14, 2012). In the deposition excerpts, Mr. Noble testified about AMX’s confidential communications and business relationships with its suppliers. Therefore, Petitioners submit that good cause exists to seal the deposition excerpts, and request that the Board grant Petitioners’ motion to seal.

### **II. Certification of Conference with Opposing Party**

Pursuant to § 37 C.F.R. 42.54(a), Petitioners’ counsel conferred with Patent Owner’s counsel in an effort to resolve the dispute. Patent Owner’s counsel indicated that Patent Owner does not oppose this motion.

### **III. Submission of Proposed Protective Order**

Pursuant to 37 C.F.R. § 42.54(a), Petitioners respectfully request that the Board enter the default protective order, set forth in Appendix A to this motion.

Date: April 27, 2016

Respectfully submitted,

/s/ Brent A. Hawkins

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# Appendix A

## DEFAULT PROTECTIVE ORDER

The following Standing Protective Order will be automatically entered into the proceeding upon the filing of a petition for review or institution of a derivation:

### **Standing Protective Order**

This standing protective order governs the treatment and filing of confidential information, including documents and testimony.

1. Confidential information shall be clearly marked “PROTECTIVE ORDER MATERIAL.”
2. Access to confidential information is limited to the following individuals who have executed the acknowledgment appended to this order:
  - (A) Parties. Persons who are owners of a patent involved in the proceeding and other persons who are named parties to the proceeding.
  - (B) Party Representatives. Representatives of record for a party in the proceeding.
  - (C) Experts. Retained experts of a party in the proceeding who further certify in the Acknowledgement that they are not a competitor to any party, or a consultant for, or employed by, such a competitor with respect to the subject matter of the proceeding.
  - (D) In-house counsel. In-house counsel of a party.
  - (E) Other Employees of a Party. Employees, consultants or other persons performing work for a party, other than in-house counsel and in-house counsel’s



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