

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WEATHERFORD INTERNATIONAL, LLC;
WEATHERFORD/LAMB, INC.;
WEATHERFORD US, LP; and WEATHERFORD
ARTIFICIAL LIFT SYSTEMS, LLC
Petitioners

v.

PACKERS PLUS ENERGY SERVICES INC.,
Patent Owner

Case IPR2016-01509
Patent 7,861,774

**EXCLUSIVE LICENSEE RAPID COMPLETIONS LLC'S
MOTION TO SEAL**

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U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. §§ 42.14, 42.54, Exclusive Licensee Rapid

Completions respectfully moves to seal Exhibits 2047, 2080, 2081, 2096 and portions of Exhibits 2048 filed herewith, which contain confidential information as described below. Respondent is also submitting an agreed proposed protective order to govern protection of this information. This proposed order differs from the Board's default order only in that it includes a prosecution bar and also protections for Attorneys Eyes Only and AEO-TECHNICAL confidential information. These changes were made so that the order is consistent with the parties' obligations under a district court protective order (copy attached as Exhibit A to this motion) that also governs protection of the materials at issue. Petitioners do not oppose this motion.

I. GOOD CAUSE EXISTS FOR SEALING CERTAIN CONFIDENTIAL INFORMATION

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). As described in the Office Trial Practice Guide, the Board identifies 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.” 77 Fed. Reg. 48756, 48760 (Aug. 14, 2012).

Exhibit 2047 is a Rystad Energy report entitled “Ball activated sliding sleeves” that contains the following statement: “This document is the property of Rystad Energy. The document must not be reproduced or distributed in any forms, in parts or full without permission from Rystad Energy.” Baker Hughes produced this document during discovery in litigation and Respondent and Petitioners are obligated to maintain this document as confidential under the litigation protective order (Ex. A). The public’s interest in accessing this information for purposes of patentability of the challenged claims in this proceeding is outweighed by the prejudicial effect that such disclosure would have on Rystad Energy and/or Petitioners.

Exhibit 2048 is an un-redacted copy of the declaration of J.J. Girardi. Respondent has submitted a redacted copy of this declaration as Exhibit 2049. Respondent has only redacted the portions of this report that specifies confidential revenue information. The public’s interest in accessing this information for purposes of patentability of the challenged claims in this proceeding is outweighed by the prejudicial effect that such disclosure would have on Packers Plus.

Exhibit 2080 contains highly confidential sales information related to sales of Weatherford's ZoneSelect system. This information is highly sensitive for commercial reasons and Respondent is obligated to maintain it as confidential under the litigation protective order (Ex. A). The public's interest in accessing this information for purposes of patentability of the challenged claims in this proceeding is outweighed by the prejudicial effect that such disclosure would have on Weatherford.

Exhibit 2081 is a redacted version of a supplemental declaration of respondent's expert. An unredacted version will be filed as exhibit 2084. This version has been redacted only to protect information described in the documents listed in this motion to seal. The public's interest in accessing this information for purposes of patentability of the challenged claims in this proceeding is outweighed by the prejudicial effect that such disclosure would have on the parties.

Exhibit 2096 contains highly confidential sales information related to sales of Weatherford's ZoneSelect system. This information is highly sensitive for commercial reasons and Respondent is obligated to maintain it as confidential under the litigation protective order (Ex. A). The public's interest in accessing this information for purposes of patentability of the challenged claims in this

proceeding is outweighed by the prejudicial effect that such disclosure would have on Weatherford.

For the foregoing reasons, Respondent requests that the Board seal Exhibits 2047, 2048, 2080, 2081, 2096 and the portions of the Response referencing those exhibits.

II. CERTIFICATION OF NON-PUBLICATION

To the undersigned counsel's knowledge, the information sought to be sealed by this motion has not been published or otherwise made public.

III. CERTIFICATION OF CONFERENCE WITH OPPOSING PARTY PURSUANT TO 37 C.F.R. § 42.54.

Respondent has conferred with Petitioners, and Petitioners do not oppose the motion.

THEREFORE, Patent Owner respectfully requests that the Board grant Patent Owner's Motion to Seal.

Dated: May 31, 2017

Respectfully submitted,

Rapid Completions LLC

By /Justin T. Nemunaitis/
Hamad M. Hamad, Reg. No. 64,641
Bradley W. Caldwell (*pro hac vice*)
Justin T. Nemunaitis (*pro hac vice*)
CALDWELL CASSADY CURRY,
P.C.

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