

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

I.M.L. SLU,

Petitioner,

v.

WAG ACQUISITION, LLC,

Patent Owner.

Case IPR2016-01656
Patent 8,122,141 B2

**PETITIONER'S UNOPPOSED MOTION FOR ENTRY OF PROTECTIVE
ORDER**

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450
Submitted Electronically via the Patent Review Processing System

IPR2015-01656
I.M.L. SLU

Pursuant to 37 C.F.R. § 42.54, Petitioner I.M.L. SLU respectfully moves for entry of a protective order in the above-captioned case in the form attached as Appendix A. Counsel for Petitioner has conferred with counsel for Patent Owners, and the parties have agreed to entry of this modified version of the Board’s Default Protective Order.

I. Good cause exists for entry of a Protective Order

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). Under the Board’s Rules, “confidential information [is identified] 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).

The documents covered by the protective order will contain confidential and business-sensitive details of the Petitioner’s organizational structure, business processes, financing, and corporate and legal operations. I.M.L. SLU, a non-public, foreign company, has a strong interest in maintaining the confidentiality of this information. Petitioner will be prejudiced unduly if it were compelled to produce its private, internal documents without protection in order to pursue this petition.

Conversely, there is no countervailing interest that would counsel against granting the present motion. Patent Owners do not oppose entry of the modified version of the default protective order. Granting the present motion will have no effect on the public's interest in "maintaining a complete and understandable file history," 77 Fed. Reg. at 48,760, since the documents to be protected are not related to questions of the validity of the challenged patent claims, but instead to whether Petitioner may bring the petition.

II. Certification of conference with Patent Owners

Pursuant to 37 C.F.R. § 42.54, counsel for Petitioner has conferred in good faith with counsel for Patent Owners, and the parties have agreed to entry of the modified version of the Board's Default Protective Order, attached as Appendix A.

III. Conclusion

For the foregoing reasons, Petitioner respectfully requests that the Board enter the modified version of the Board's Default Protective Order, attached as Appendix A.

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Dated: May 5, 2017

Respectfully submitted,

/s/David R. Yohannan

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APPENDIX A

PROPOSED PROTECTIVE ORDER

77 Fed. Reg. 48,756, 48,771 (Aug. 14, 2012)

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