

Paper No. 8
Filed: February 28, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION
Petitioner

v.

PROXYCONN, INC.
Patent Owner

Case IPR2017-00261
Patent 6,757,717

**PATENT OWNER'S MOTION TO SEAL
PAPER 7 AND EXHIBIT 2005**

Patent Owner Proxyconn, Inc. (“Proxyconn” or “Patent Owner”) respectfully requests the Board to authorize the filing under seal of Paper 7, Patent Owner’s Preliminary Response, and Exhibit 2005, which was submitted with the Preliminary Response. A public, redacted version of the Preliminary Response is being filed concurrently as Paper 6.

Good cause exists for sealing Exhibit 2005. Exhibit 2005 is a Tolling Agreement that was entered into between Proxyconn and the defendants in *Proxyconn, Inc. v. Microsoft Corp., et al.*, Civil Action No. SA CV11-1681 (C.D. Cal.). Proxyconn is contractually obligated to maintain the terms of the Tolling Agreement as confidential and may suffer legal consequences if it publicly discloses those terms. (*See* Ex. 2005, ¶¶ 14-15.) Proxyconn owes those contractual obligations to Microsoft, and to other parties to Exhibit 2005 that are not parties to this IPR.

Good cause also exists for sealing the portions of Paper 7 that are redacted from Paper 6. The limited portions of Paper 6 that are redacted are those that disclose specific terms of Exhibit 2005.

In addition, the public’s interest in having access to the redacted information is minimal, if any. While the precise terms of Exhibit 2005 are redacted from Paper 6, Paper 6 explains the intent and the legal effects of Exhibit 2005 in

sufficient detail for the interested members of the public to understand the arguments made in the Preliminary Response.

In sum, good cause exists to seal the redacted information, so that Patent Owner may comply with its contractual obligations to Microsoft and to third parties.

Patent Owner certifies that it has conferred with John D. Vandenberg, Petitioner's counsel in an effort to come to an agreement regarding this motion. Mr. Vandenberg indicated on February 28, 2017 that Petitioner does not oppose this Motion to Seal.

Patent Owner proposes entry of the default protective order found in Appendix B of the Trial Practice Guide.

Respectfully submitted,

Dated: February 28, 2017

/s/ Neil A. Rubin

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CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e)(1))

The undersigned hereby certifies that the above document was served on February 28, 2017, by filing this document through the Patent Review Processing System as well as delivering a copy via electronic mail upon the following attorneys of record for the Petitioner:

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Exhibit A

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