

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.

Petitioner

- vs. -

FALL LINE PATENTS, LLC

Patent Owner

IPR2018-00043

U.S. Patent 9,454,748

PETITIONER'S MOTION TO SEAL

I. Introduction.

Petitioner requests that Petitioner's Response to Patent Owner's Observations, and Exhibit 1028, filed herewith, be sealed under 37 C.F.R. § 42.54 and the Parties' Agreed-Upon Default Protective Order (previously filed). Good cause to seal these documents exists because they contain sensitive, non-public information.

II. Good Cause Exists for Sealing Certain Confidential Information.

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. 48756, 48760 (Aug. 14, 2012). Further, 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).

Petitioner's Response to Patent Owner's Observations and Exhibit 1028 contain information that Petitioner has identified as confidential business information.

Petitioner's Response to Patent Owner's Observations references and describes the content of the deposition of Kevin Jakel (transcript previously filed

as Exhibit 2009), Petitioner's CEO, in which sensitive business information that has not been published or otherwise made public was discussed. A Motion to Seal was previously filed for Exhibit 2009 by Patent Owner.

Exhibit 1028 is an errata sheet for the transcript of Mr. Jakel's deposition, which was filed as Exhibit 2009, designated as confidential, and likewise contains sensitive business information that has not been published or otherwise made public.

III. Conclusion

For the above reasons, Petitioner requests that Petitioner's Response to Patent Owner's Observations and Exhibit 1028 be placed under seal.

Respectfully submitted,

March 1, 2019

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