

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UNIFIED PATENTS INC.,  
Petitioner,

v.

FALL LINE PATENTS, LLC,  
Patent Owner.

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Case IPR2018-00043  
Patent 9,454,748 B2

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Before MICHELLE N. WORMMEESTER, SHEILA F. McSHANE, and  
JOHN R. KENNY, *Administrative Patent Judges*.

KENNY, *Administrative Patent Judge*.

ORDER

*Motions for Protective Order and to Seal*  
*37 C.F.R. § 42.54*

The parties jointly move for entry of the default protective order. Paper 28, 2. In addition, Patent Owner moves to seal Patent Owner's RPI Observations (Paper 30) in their entirety and to seal the deposition transcript of Mr. Kevin Jakel (Ex. 2009) in its entirety. Paper 29, 2. Petitioner does not oppose this motion. Further, Petitioner moves to seal Petitioner's Response to Patent Owner's Observations (Paper 31) in its entirety and to

seal the errata sheet for the deposition transcript of Mr. Jakel (Ex. 1028) in its entirety. Paper 32, 2–3. Patent Owner does not oppose this motion.

The parties represent that the papers and exhibits they seek to seal contain confidential, sensitive business information that has not been published or made public. Paper 29, 2; Paper 32, 2–3. That may be, but the parties have not justified sealing the entirety of each of those papers and exhibits. *See, e.g.*, Paper 31, 6, first full paragraph, third sentence. The Office Patent Trial Practice Guide encourages parties “to redact sensitive information, where possible, rather than seeking to seal entire documents.” Office Patent Trial Practice Guide, 77 FR 48756, 48761 (Aug. 14, 2012). In accordance with that guidance, we order the parties, within fourteen days of the entry of this order, for each paper and exhibit identified above that they seek to seal, to file a redacted, public version of that paper or exhibit or provide a detailed explanation as to why the entirety of that paper or exhibit must be sealed.

We will defer ruling on the parties’ motions to seal (Papers 29 and 32) until after the additional papers identified above have been filed.

We grant the parties’ motion for entry of the default protective order (Paper 28).

Accordingly, it is ORDERED:

The Joint Motion for Protective Order (Paper 28) is *granted*.

Within fourteen days from the entry of this Order, for each of Papers 30 and 31 and Exhibits 1028 and 2009, the parties shall file a redacted, public version of that paper or exhibit or provide a detailed explanation of why the entirety of that paper or exhibit should be sealed.

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Either party may file the redacted version or explanation for any of Papers 30 and 31 and Exhibits 1028 and 2009. The filing need not be a joint filing, but if it is not a joint filing, the submission shall indicate whether the opposing party wishes to file a responsive paper. If the opposing party wishes to file a responsive paper, it will have three business days to do so.

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