

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.

UNILOC LUXEMBOURG, S.A.<sup>1</sup>  
Patent Owner

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IPR2017-00199  
PATENT 7,092,671

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**PATENT OWNER RESPONSE TO  
PETITIONER'S MOTION TO SEAL PETITIONER'S REPLY AND  
EXHIBIT 1022 (PAPER 19)**

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<sup>1</sup> The owner of this patent is Uniloc 2017 LLC.

Petitioner's December 21, 2018 motion to seal (Paper 19), seeking to seal redacted portions of Petitioner's Reply and Exhibit 1022, should be denied because Petitioner does not show good cause for sealing the entirety of the redacted portions of the reply or the exhibit. Indeed, Petitioner repeatedly redacts the identity of Unified members whose identities are easily determined by Petitioner's public statements in *this* IPR. Petitioner's effort to conceal the identity of its members is merely a continuation of its effort to conceal real parties in interest in its many IPR proceedings.

There is a "strong public policy for making all information filed in a quasi-judicial administrative proceeding open to the public . . ." *See Garmin Int'l, Inc. et al. Petitioner*, IPR2012-00001 (JL), 2013 WL 8149381, at \*1 (Apr. 5, 2013). The standard for granting a motion to seal is "for good cause." 37 C.F.R. § 42.54. The moving party has the burden of proof in showing entitlement to the requested relief. 37 C.F.R. § 42.20(c). It must demonstrate to the Board "why the information sought to be sealed constitutes confidential information." *Garmin Int'l, Inc.*, IPR2012-00001 (JL), 2013 WL 8149381, at \*2 (emphasis added).

**1. Petitioner does not show good cause to seal the redacted portions of Mr. Jakel's declaration.**

Petitioner's motion does not show good cause to seal the redacted portions of Mr. Jakel's declaration. The motion baldly states that the "declaration includes sensitive business information which Petitioner asserts has not been published or otherwise been made public" but offers no further explanation

concerning *why* the information is confidential. Further, it is not true that all the redacted portions of Mr. Jakel's declaration are non-public. For example, the declaration repeatedly redacts information Petitioner has publicly disclosed in this IPR. *See* Paper 21 at 10-11 and Paper 2 at 2. This information is not confidential and is critical to a proper real party in interest analysis. The public has a significant interest in access to this information, particularly because Petitioner's business model centers on challenging patents while concealing the identify of real parties in interest.

**2. Petitioner does not show good cause to seal the redacted portions of Petitioner's reply.**

Petitioner also fails to show good cause to seal the redacted portions of its reply. Petitioner's motion merely asserts that the reply "references and describes the content of certain confidential materials" without explaining why the redacted information is confidential. Like Mr. Jakel's declaration, the reply redacts information Petitioner has publicly disclosed in this IPR. *See* Paper 21 at 10-11 and Paper 2 at 2. As explained above, this information is at the heart of a proper real party in interest analysis and is of significant interest to the public.

To the extent Petitioner seeks to seal references to information and documents that were the subject of Petitioner's earlier opposed motion to seal (Paper 16), Petitioner's present motion should be denied for the reasons already explained in Patent Owner's earlier opposition (Paper 17), including Petitioner's waiver of confidentiality.

For at least the reasons set forth above, Uniloc respectfully requests that the

Board deny Petitioner's motion to seal.

Date: January 22, 2019

Respectfully submitted,

By: /s/ Brett A. Mangrum  
Brett A. Mangrum; Reg. No. 64,783  
Attorney for Patent Owner

**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. §§ 42.6(e), the undersigned certifies that an electronic copy of the foregoing PATENT OWNER'S RESPONSE PURSUANT TO 37 C.F.R. § 42.120 was served, along with any accompanying exhibits not previously served, via the Patent Review Processing System (PRPS) and/or e-mail to Petitioner's counsel at the following addresses identified in the Petition's consent to electronic service:

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