

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORP., CAVIUM, LLC, and DELL INC.,
Petitioners,

v.

ALACRITECH, INC.,
Patent Owner.

Case IPR2018-00234¹
U.S. Patent No. 8,805,948

PETITIONER'S MOTION TO SEAL

¹ Cavium, LLC (formerly Cavium, Inc.) which filed a Petition in Case IPR2018-00403, and Dell Inc., which filed a Petition in Case IPR2018-01307, have been joined as petitioners in this proceeding.

Petitioner Intel Corporation (“Petitioner”) hereby moves to seal certain portions of the Board’s June 4, 2019 Order (“Paper 66”) that reference highly confidential information of the Petitioner. Good cause exists for granting this motion because Paper 66 includes highly confidential information. Attached to this Motion as Exhibit A is a redacted version of Paper 66 for filing onto the Public Record.

I. MOTION TO SEAL

The record of an *inter partes* review proceeding, including documents and things, is made available to the public, except as otherwise ordered. 37 C.F.R. § 2.14. But despite the default rule of public availability, the Board will seal confidential information for “good cause,” because it is necessary 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.” 37 C.F.R. § 42.54(a); 77 Fed. Reg. 48756, 48760 (Aug. 14, 2012). As set forth in the Office Trial Practice Guide, the Board treats confidential information “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.* at 48760.

In accordance with rules and procedures, Petitioner moves to seal portions of Paper 66.

The redacted version of Paper 66 is redacted to protect highly sensitive, commercial information related to the relationship between Intel and its customers and other internal Intel business practices. For example, Paper 66 includes specific details about and quotes from commercially sensitive agreements with Intel's customer Dell. As such, portions of Paper 66 are designated Petitioner's Restricted – Attorneys' Eyes Only under the Protective Order in this IPR.

Because Paper 66 contains certain confidential business information as indicated above, the public disclosure of which could cause Petitioner irreparable harm, good cause exists to seal portions of demonstrative exhibits as Petitioner's Restricted – Attorneys' Eyes Only information under the Protective Order. In addition, the information that Petitioner requests to be sealed was submitted only to rebut Patent Owner's arguments regarding real party in interest. The information is otherwise unimportant to the merits of this proceeding, and therefore the public's interest in having access to this information is minimal.

II. CERTIFICATION OF NON-PUBLICATION

On behalf of Petitioner, the undersigned counsel certifies that the information sought to be sealed by this Motion has not, to their knowledge, been published or otherwise made public.

III. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Board grant the motion to seal certain portions of the Board's June 4, 2019 Order that reference highly confidential information of the Petitioner.

Dated: July 3, 2019

Respectfully submitted,

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