

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.
Petitioner

v.

REALTIME ADAPTIVE STREAMING, LLC
Patent Owner.

Case IPR2018-00883
U.S. Patent 8,934,535

PETITIONER'S MOTION TO SEAL

I. Introduction

Petitioner requests that Petitioner's Response to Patent Owner's Supplemental Brief on Real Parties in Interest, and Exhibit 1018, filed herewith, be sealed under 37 C.F.R. § 42.54 and the Modified Default Standing Protective Order (Paper 19). 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 Supplemental Brief on Real Parties in Interest and Exhibit 1018 contain information that Petitioner has identified as confidential business information.

Petitioner's Response to Patent Owner's Supplemental Brief on Real Parties in Interest references and describes the content of certain confidential

materials, that Petitioner requests by the present motion to file under seal and has been marked “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the Protective Order in this case. A public version of Petitioner’s Response to Patent Owner’s Supplemental Brief on Real Parties in Interest, from which the confidential information has been redacted, will also be filed in this proceeding.

Exhibit 1018 is a Declaration of Kevin Jakel and has been marked “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the Protective Order in this case. This declaration includes sensitive business information which Petitioner asserts has not been published or otherwise been made public.

III. Conclusion

For the above reasons, Petitioner requests that Exhibit 1018, be placed under seal, as well as the unredacted and complete version of Petitioner’s Response to Patent Owner’s Supplemental Brief on Real Parties in Interest.

Respectfully submitted,

Dated: September 10, 2018

By: /Lionel M. Lavenue/
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Lead Counsel

Counsel for Petitioner Unified Patents Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **Petitioner's Motion to Seal** was filed on PTABE2E and served on September 10, 2018, via email directed to counsel of record for the Patent Owner at the following:

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