

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.,
Petitioner,

v.

BRADIUM TECHNOLOGIES LLC,
Patent Owner.

Case IPR2018-00952
Patent 9,253,239 B2

Before BRYAN F. MOORE, BRIAN J. McNAMARA and MINN CHUNG,
Administrative Patent Judges.

CHUNG, *Administrative Patent Judge.*

ORDER
Authorizing Petitioner's Renewed Motion to Seal
37 C.F.R. § 42.54

I. DISCUSSION

In our Final Written Decision in this proceeding, we denied without prejudice Petitioner's motions to seal Exhibit 2004, Exhibit 2013, and Papers 19, 25, 30, 38, and 45. Paper 60, 76–78. On January 10, 2020, a conference call was held among respective counsel for Petitioner and Patent Owner, and Judges Chung, McNamara, and Moore to discuss the panel's concern that some of the material sought to be sealed appears to be public information and that the proposed redactions for the papers and exhibits requested to be partially sealed are, in the opinion of the panel, excessive. *See id.*

During the conference call, we authorized Petitioner to file a renewed motion to seal, not to exceed 5 pages and to be filed no later than February 7, 2019, requesting again that certain papers and exhibits be partially or entirely sealed. The renewed motion to seal must be accompanied by newly redacted versions of any papers or exhibits to be partially sealed. To establish good cause for the requested protection, Petitioner's renewed motion and accompanying redactions must better explain the need for confidentiality/redaction of any alleged confidential information to cure the deficiencies noted in our Final Written Decision or discussed during the conference call.

In addition to these papers and exhibits, we noted during the conference call that the Final Written Decision in this case remains sealed out of an abundance of caution and that, to the extent Petitioner believes the Final Written Decision contains confidential information, Petitioner should

include the Final Written Decision in its renewed motion to seal and submit a narrowly redacted version of the Final Written Decision.

We also noted during the conference call that Exhibits 2035, 2036, 2056, and 2057 have been filed under seal without accompanying motions to seal. In response, Patent Owner represented that these exhibits were filed under seal to protect Petitioner's allegedly confidential information. Noting that Exhibits 2035, 2036, 2056, and 2057 were not mentioned or discussed in the Final Written Decision, we directed Petitioner to include these exhibits in its renewed motion to seal or, in the alternative, file a motion to expunge these exhibits.

The parties shall confer in hopes of filing the renewed motion to seal (or the motion to expunge, if appropriate) as unopposed. However, if Patent Owner opposes Petitioner's renewed motion to seal or motion to expunge, Patent Owner is authorized to file an opposition not exceeding five pages no later than February 14, 2020.

All presently protected papers and exhibits will remain sealed until further notice from this panel.

II. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Petitioner is authorized to file a renewed Motion to Seal, not to exceed five pages and no later than February 7, 2020;

FURTHER ORDERED that together with its renewed Motion to Seal, Petitioner shall file narrowly redacted public versions of any documents sought to be sealed;

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FURTHER ORDERED that Petitioner is authorized, but not required, to file a motion to expunge Exhibits 2035, 2036, 2056, and 2057 no later than February 7, 2020;

FURTHER ORDERED that if Patent Owner opposes Petitioner's renewed Motion to Seal or motion to expunge, Patent Owner is authorized to file an Opposition not to exceed 5 pages and no later than February 14, 2020; and

FURTHER ORDERED that all presently protected papers and exhibits in the record will remain sealed until further notice from this panel.

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