

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner,

v.

REMBRANDT WIRELESS TECHNOLOGIES, LP,

Patent Owner.

Case IPR2020-00034

U.S. Patent No. 8,023,580

PETITIONER APPLE INC.'S MOTION TO SEAL

I. STATEMENT OF PRECISE RELIEF REQUESTED

Pursuant to 37 C.F.R. §§ 42.14, 42.54, and 42.55, Petitioner Apple Inc. (“Apple”) respectfully moves to seal Exhibit 1133 and the limited portion of its Petition discussing the contents of Exhibit 1133, which are being filed concurrently herewith. These materials contain highly confidential information belonging to a third party and Apple. Good cause exists for sealing the identified documents in accordance with the Board’s Default Protective Order and standards governing sealing.

II. GOOD CAUSE EXISTS FOR SEALING CERTAIN CONFIDENTIAL INFORMATION

Generally, “a movant to seal must demonstrate adequately that (1) the information sought to be sealed is truly confidential, (2) a concrete harm would result upon public disclosure, (3) there exists a genuine need to rely in the trial on the specific information sought to be sealed, and (4), on balance, an interest in maintaining confidentiality outweighs the strong public interest in having an open record.” *Argentum Pharms. LLC v. Alcon Research, LTD.*, IPR2017-01053, Paper 27, 4. Here, sealing is appropriate because the information Apple seeks to seal is confidential and commercially sensitive. Specifically, Exhibit 1133 contains letters between Apple and a third party that contain discussions that are confidential and commercially sensitive to Apple and the third party. The limited portion of the

Petition that Petitioner seeks to seal discusses the communications in Exhibit 1133. Petitioner will file a redacted version of its Petition, redacting the limited portion of the Petition referencing Exhibit 1133. Exhibit 1133 consists almost entirely of confidential information, such that redaction would not be practical, and requires filing entirely under seal.

Public disclosure of Exhibit 1133 and the portion of the Petition discussing Exhibit 1133 would cause concrete harm to Apple and the third party whose communications with Apple are reflected. Exhibit 1133 contains information about the third party's procedures for interacting with Apple. Public disclosure of this information would cause commercial harm to Apple and the third party by revealing competitive information, and potentially affect the business relationship between those companies, as well as between each company and other companies with which they transact business.

Apple believes that there is a genuine need to submit Exhibit 1133 and reference to Exhibit 1133 in the Petition to provide the PTAB and Patent Owner with information regarding Apple's relationship with the third party who is not involved in this *inter partes* review.

On balance, interests in confidentiality outweigh any public interest in an open record with respect to sealing Exhibit 1133 and the limited portion of its Petition discussing the contents of Exhibit 1133 in this proceeding. As explained above, the

documents at issue include sensitive business information relating to Apple and a third party who is not involved in this *inter partes* review.

For these reasons, Apple respectfully requests sealing of Exhibit 1133 and the designated portion of the Petition discussing Exhibit 1133.

III. SUBMISSION OF PROPOSED PROTECTIVE ORDER

Pursuant to 37 C.F.R. § 42.55(a), Apple requests that the Board enter the Default Protective Order (77 FED. REG. 48756, 48771 (Aug. 14, 2012)) found in Appendix B of the Trial Practice Guide. Upon filing of the Petition and Exhibit 1133, Petitioner will confer with Patent Owner Rembrandt Wireless Technologies, LP (“Patent Owner”) regarding agreement to be bound by the Default Protective Order and will notify the Board with respect to the Parties’ positions.

Respectfully submitted,
ROPES & GRAY LLP

Dated: November 5, 2019

/ Gabrielle E. Higgins /
Gabrielle E. Higgins

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing PETITIONER APPLE INC.'S
MOTION TO SEAL was served by Federal Express at the correspondence address
of record for U.S. Patent No. 8,023,580:

ROTHWELL, FIGG, ERNST & MANBECK, P.C.
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Dated: November 5, 2019 */Carolyn L. Redding/*
Carolyn L. Redding