

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION and HP INC.,
Petitioner,

v.

SYNKLOUD TECHNOLOGIES, LLC,
Patent Owner.

IPR2020-00316
Patent 9,098,526 B1

Before SALLY C. MEDLEY, JESSICA C. KAISER, and
SCOTT RAEVSKY, *Administrative Patent Judges*.

MEDLEY, *Administrative Patent Judge*.

ORDER
Granting Patent Owner's and
Petitioner's Motions to Seal
37 C.F.R. §§ 42.5, 42.14, 42.54

Motions to Seal

In its unopposed Motion to Seal, Patent Owner seeks to seal Exhibits 2029 and 2030. Paper 29 (“PO Mot.”). Patent Owner represents that Exhibit 2030 is a license agreement with a third party licensee and “is confidential by its terms.” *Id.* at 3.¹ Patent Owner represents that Exhibit 2029 is an “associated claim chart,” that apparently includes information of the third party’s product. *Id.* at 2. Patent Owner argues that making either exhibit public “would potentially vitiate the license as a possible breach thereof and/or expose PO to liability.” *Id.* at 3. Petitioner filed an unredacted version of its Reply under seal. Paper 32. Petitioner also filed an unopposed motion to seal its unredacted Reply. Paper 34 (“Pet. Mot.”). In its Motion to Seal, Petitioner argues that its Reply quotes and discusses, in detail, Exhibits 2029 and 2030, and thus, “includes sensitive business information.” *Id.* at 3.

There is a strong public policy that favors making information filed in an *inter partes* review open to the public. *Garmin Int’l, Inc. v. Cuozzo Speed Techs. LLC*, IPR2012-00001, Paper 34, 1–2 (PTAB Mar. 14, 2013). The standard for granting a motion to seal is good cause. 37 C.F.R. § 42.54. That standard includes showing that the information addressed in the motion to seal is truly confidential, and that such confidentiality outweighs the strong public interest in having the record open to the public. *See Garmin* at 2–3.

We have considered the arguments presented by the parties in their respective motions and determine that good cause has been established for sealing the documents identified in both motions. Specifically, Patent Owner demonstrates that the information sought to be sealed per its motion contains

¹ The pages of the Motion are not numbered. We refer to the numbers of the pages beginning with the title page as number 1.

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confidential information regarding “a license between the owner of the ’526 Patent and a recognized corporation, in consideration of payment and fees, along with an associated claim chart.” PO Mot. 2. Accordingly, we grant Patent Owner’s Motion to Seal, including Patent Owner’s unopposed request for entry of the Proposed Stipulated Protective Order (Exhibit 2036), which is similar to the Board’s default protective order provided in the Office Patent Trial Practice Guide. *See* Patent Trial and Appeal Board Consolidated Trial Practice Guide (Nov. 2019), <https://www.uspto.gov/TrialPracticeGuideConsolidated>, (Appendix B).

Accordingly, the record will be preserved in its entirety, and Exhibits 2029 and 2030 and Petitioner’s unredacted Reply will not be expunged or made public, pending the outcome of any appeal taken from the Final Written Decision. At the conclusion of any appeal, or, if no appeal is taken, after the time for filing a notice appeal has expired, the documents may be made public. *See id.* at 21–22. At that time, either party may file a motion to expunge sealed documents from the record pursuant to 37 C.F.R. § 42.56.

Order

It is:

ORDERED that Patent Owner’s Motion to Seal is *granted*; and

FURTHER ORDERED that Exhibits 2029 and 2030 and Paper 32 will remain sealed as outlined per this order.

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