

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ASETEK DANMARK A/S,  
Petitioner,

v.

COOLIT SYSTEMS, INC.,  
Patent Owner.

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IPR2020-00825  
Patent 10,274,266 B2

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Before FRANCES L. IPPOLITO, SCOTT C. MOORE, and  
BRENT M. DOUGAL, *Administrative Patent Judges*.

MOORE, *Administrative Patent Judge*.

DECISION

*Granting Motions to Seal; Entering Protective Order*  
*37 C.F.R. §§ 42.14, 42.54*

On June 7, 2021, Petitioner filed a Motion to Seal Under 37 C.F.R. § 42.54. Paper 37 (“Petitioner’s Motion”). Petitioner’s Motion asks us to seal portions of Petitioner’s Opposition to Patent Owner’s Motion to Exclude (Paper 38), and Exhibit 1034. Paper 37, 1. Petitioner’s Motion also asks us to enter a Proposed Stipulated Protective Order submitted by the parties as Exhibit 1035. Paper 37, 1.

On June 14, 2021, Patent Owner filed a Motion to Seal Under 37 C.F.R. § 42.54. Paper 42 (“Patent Owner’s Motion”). Patent Owner’s Motion asks us to seal portions of Patent Owner’s Reply in Support of its Motion to Exclude (Paper 43). Paper 42, 1.

We determine that the parties have sufficiently identified how their Proposed Stipulated Protective Order departs from the Board’s Default Protective Order by submitting a marked-up comparison between those two documents. *See* Paper 13, 3; Ex. 1036. Upon review of the Motions, we determine that the parties have shown good cause for the proposed modifications to the Board’s Default Protective Order, with the following two clarifications: (1) Paragraph 2 of the Proposed Stipulated Protective Order shall not be construed to permit the parties to agree to limit the access of employees and representatives of the Office to protective order materials, and (2) the requirements of Paragraph 2(D) of the Proposed Stipulated Protective Order shall not apply to support personnel, administrative assistants, clerical staff, court reporters, or other support personnel of employees or representatives of the Office.

We further find that Exhibit 1034 contains confidential information of Patent Owner and is appropriately filed under seal. We additionally find that Petitioner’s Opposition to Patent Owner’s Motion to Exclude (Paper 38) and Patent Owner’s Reply in Support of its Motion to Exclude (Paper 43) both

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contain confidential information from Exhibit 1034, that the parties have filed public, redacted versions of both documents (Papers 39 and 44), and that the redactions in the publicly available versions are appropriate.

Accordingly, it is:

ORDERED that Petitioner's Motion (Paper 37) and Patent Owner's Motion (Paper 42) are granted;

FURTHER ORDERED that the Proposed Stipulated Protective Order (Exhibit 1035) is entered with the following two clarifications:

(1) Paragraph 2 of the Proposed Stipulated Protective Order shall not be construed to permit the parties to agree to limit the access of employees and representatives of the Office to protective order materials, and (2) the requirements of Paragraph 2(D) of the Proposed Stipulated Protective Order shall not apply to support personnel, administrative assistants, clerical staff, court reporters, or other support personnel of employees or representatives of the Office; and

FURTHER ORDERED that Exhibit 1034, Paper 38, and Paper 43 shall remain under seal in the Board's filing system.

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