

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HP INC.,¹
Petitioner,

v.

SYNKLOUD TECHNOLOGIES, LLC,
Patent Owner.

IPR2020-01269 (Patent 9,219,780 B2)
IPR2020-01270 (Patent 9,219,780 B2)²

Before SALLY C. MEDLEY, LYNNE E. PETTIGREW, and
KRISTIL R. SAWERT, *Administrative Patent Judges*.

SAWERT, *Administrative Patent Judge*.

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

¹ Microsoft Corporation was terminated from these proceedings.
IPR2020-01269, Paper 22; IPR2020-01270, Paper 21.

² We exercise our discretion to issue one combined Decision to be filed
in each case.

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In IPR2020-01269 (“IPR1269”), Patent Owner filed an unopposed Motion to Seal, seeking to seal Exhibits 2029, 2030, and 2039. IPR1269, Paper 12 (“PO Mot.” or “the Motion”). Patent Owner represents that Exhibits 2030 and 2039 are two license agreements between Patent Owner and third parties. *Id.* at 2.³ Patent Owner represents that Exhibit 2029 is an “associated claim chart” that apparently includes information regarding one of the licensee’s products. *Id.* Patent Owner contends that the information in the license agreements “is confidential by its terms.” *Id.* at 3. Patent Owner argues that making the exhibits public “would potentially vitiate the licenses as a possible breach thereof and/or expose [Patent Owner] to liability.” *Id.* In IPR2020-01270 (“IPR1270”), Patent Owner filed Exhibits 2029, 2030, and 2039, but did not file a corresponding motion to seal.

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*, Paper 34 at 2–3.

We have considered the arguments presented by Patent Owner and determine that good cause has been established for sealing the documents identified. Specifically, Patent Owner demonstrates that the information sought to be sealed per the motion contains confidential information regarding “licenses between the owner of the ’780 Patent and two recognized

³ 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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corporations, in consideration of payment of 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 Protective Order (Exhibit 2036), which is the same as the protective order entered in earlier proceedings involving patents in the same family as the ’780 patent, such as IPR2020-01031, and 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) (“CTPG”). Moreover, although Patent Owner did not file a motion to seal or request entry of the Proposed Protective Order (Exhibit 2036) in IPR1270, we *sua sponte* grant Patent Owner’s implicit request, because Patent Owner filed the same confidential exhibits (i.e., Exhibits 2029, 2030, and 2039) in that proceeding.

Accordingly, the record in both IPR1269 and IPR1270 will be preserved in its entirety, and Exhibits 2029, 2030, and 2039 will not be expunged or made public, pending the outcome of any appeal taken from a final written decision. At the conclusion of any appeal, or, if no appeal is taken, after the time for filing a notice of appeal has expired, the documents may be made public. *See* CTPG 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.

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It is:

ORDERED that Patent Owner's Motion to Seal in IPR2020-01269 is *granted*;

FURTHER ORDERED that Patent Owner's implicit request to seal Exhibits 2029, 2030, and 2039 in IPR2020-01270 is *granted*; and

FURTHER ORDERED that Exhibits 2029, 2030, and 2039 will remain sealed as outlined per this order.

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