

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NINTENDO CO., LTD., and  
NINTENDO OF AMERICA INC.,  
Petitioners

v.

ANCORA TECHNOLOGIES, INC.,  
Patent Owner

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Case No: IPR2021-01338

U.S. Patent No. 6,411,941 B1

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**PETITIONERS' MOTION TO FILE  
CONFIDENTIAL DOCUMENTS UNDER SEAL  
PURSUANT TO 37 C.F.R. §§ 42.14 AND 42.54**

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Petitioners Nintendo Co., LTD., and Nintendo of America Inc., (“Nintendo”) respectfully submits this Motion to Seal Nintendo’s Oral Hearing Demonstrative Exhibit 1078 filed concurrently with this Motion. Nintendo is concurrently filing a redacted version of Exhibit 1078.

Pursuant to the Trial Practice Guide July 2019 Update, “[t]he terms of a protective order take effect upon the filing of a Motion to Seal by a party, and remain in place until lifted or modified by the Board either on the motion of a party for good cause shown or sua sponte by the Board.” (Appendix B, § (b).) Accordingly, Nintendo understands that the protective order (Ex. 1078) proposed by the parties will take effect upon filing of this motion.

## **I. Background**

Evidence in this case relates to licensing history for the patent at issue in this IPR, and is relied upon as part of the objective evidence of non-obviousness. Nintendo’s oral hearing demonstrative exhibit incorporates some of this information, which includes third party confidential information that the third parties wish to remain confidential.

## **II. Good Causes Exists for Sealing the Exhibits Containing Confidential Information**

Nintendo submits that Proposed Exhibit 1078 incorporates confidential business information, the disclosure of which is likely to significantly harm one or

more third party's competitive position, or the disclosure of which would contravene an obligation of confidentiality. The redacted portions of Exhibit 1078 contain information produced by Patent Owner in this proceeding, that Patent Owner has represented is confidential to itself and third-parties, and that Patent Owner has represented was only able to be produced pursuant to the Protective Order.

Dated: September 29, 2022

Respectfully submitted,

/Kyle R. Canavera/

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 29, 2022, a true and correct copy of the foregoing MOTION TO SEAL DEMONSTRATIVE by electronic mail on the Patent Owner via its attorneys of record:

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Respectfully submitted,

Date: September 29, 2022

/Anita Chou/

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