

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UNIFIED PATENTS, LLC,  
Petitioner,

v.

MEMORYWEB, LLC,  
Patent Owner.

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IPR2021-01413  
Patent 10,621,228 B2

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Before LYNNE H. BROWNE, NORMAN H. BEAMER, and  
KEVIN C. TROCK, *Administrative Patent Judges*.

TROCK, *Administrative Patent Judge*.

ORDER  
Granting Petitioner's Unopposed Motions to Seal  
*37 C.F.R. § 42.14*

Petitioner, Unified Patents, LLC filed a Motion to Seal (Paper 61) the Board’s Order Identifying Real Party in Interest (Paper 56) and Petitioner’s Request for Rehearing and Precedential Panel Review (Paper 62). Petitioner also filed a Motion to Seal (Paper 27) confidential information in Patent Owner’s Preliminary Sur-Reply (Paper 13), a Motion to Seal (Paper 31) confidential information in Petitioner’s Reply (Paper 29), a Motion to Seal (Paper 36) confidential information in Patent Owner’s Sur-Reply (Paper 35), and a Motion to Seal (Paper 54) confidential information in the hearing transcript (Paper 52). According to Petitioner, Patent Owner does not oppose these motions. *See* Paper 61, 1–2.

Under 37 C.F.R. § 42.14, the default rule is that all papers filed in such proceedings are available to the public. Only “confidential information” is subject to protection against public disclosure. 35 U.S.C. § 326(a)(7); 37 C.F.R. § 42.55. The Board also observes a strong policy in favor of making all information filed in *inter partes* review proceedings open to the public. *See Argentum Pharms. LLC v. Alcon Research, Ltd.*, IPR2017-01053, Paper 27, 3–4 (PTAB Jan. 19, 2018) (informative). The moving parties bear the burden of showing the requested relief should be granted. 37 C.F.R. § 42.20(c). To establish “good cause” for the requested relief, the Parties must make a sufficient showing 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*, Paper 27 at 3–4; *see also Corning Optical Commc’ns RF, LLC, v.*

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*PPC Broadband, Inc.*, IPR2014-00440, Paper 46 at 2 (PTAB April 6, 2015) (requiring a showing that information has not been “excessively redacted”); *see also* 37 C.F.R. § 42.54(a).

Petitioner asserts that “[t]he redacted portions of the Order and forthcoming redacted portions of the Request rely on and discuss confidential aspects of Exhibits 1023, 1024, 1025, 2028, 2033, 2036, and the POR, which the Board previously found should be sealed, as well as the Patent Owner’s Preliminary Sur-Reply (Paper 13), Petitioner’s Reply (Paper 29), Patent Owner’s Sur-Reply (Paper 35), and confidential hearing transcript [Paper 52].” Paper 61, 5. Petitioner asserts that several potential harms would result from public disclosure of this information, including exposing Petitioner’s business model and confidential business activities. *Id.* at 6. Petitioner also asserts that disclosure of this information would provide Petitioner’s competitors and would-be business rivals with a roadmap of how to replicate Petitioner’s business model. *Id.* at 7. Petitioner further asserts that “the public interest will not be harmed by the sealing of the confidential business information.” *Id.*

Based upon our consideration of Petitioner’s representations and arguments as well as the content of the documents sought to be sealed and the information sought to be redacted, we find that the information sought to be sealed is confidential, harm may result from the public disclosure of the information, there exists a genuine need at trial to rely on the specific information sought to be sealed, and on balance, the interest in maintaining confidentiality outweighs the public interest in having an open record. We therefore find that Petitioner has established good cause for sealing and redacting the identified documents.

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Accordingly, it is

ORDERED that Petitioner's Motions to Seal, namely Papers 27, 31, 36, 54, and 61 are *granted*; and

FURTHER ORDERED that Petitioner's requests to seal redacted portions of Patent Owner's Preliminary Sur-Reply (Paper 13), Petitioner's Reply (Paper 29), Patent Owner's Sur-Reply (Paper 35), confidential hearing transcript (Paper 52), Order Identifying Real Party in Interest (Paper 56) and Petitioner's Request for Rehearing and Precedential Panel Review (Paper 62), are *granted*.

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