

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*.

SUPPLEMENTAL ORDER  
Granting Petitioner's Unopposed Motions to Seal  
*37 C.F.R. §§ 42.14, 42.54*

On July 18, 2022, we issued an Order Granting Petitioner's Unopposed Motions to Seal and entered a Protective Order. Paper 26. Subsequent to this Order, Petitioner filed an unopposed Third Motion to Seal (Paper 27), Fourth Motion to Seal (Paper 31), and Motion to Seal Patent Owner's Sur-Reply (Paper 36).

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. 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).

In Petitioner’s Third Motion to Seal (Paper 27), Petitioner requests that the unredacted version of Patent Owner’s Preliminary Sur-Reply filed as Paper 13 be sealed. Petitioner submits that “[g]ood cause exists to seal this document because it contains sensitive, non-public information. Specifically, the redacted portions of the Paper 13 . . . rely on and discuss confidential materials and information” subject to the Protective Order in this case.

*Id.* at 1.

In the Fourth Motion to Seal (Paper 31), Petitioner requests that its Reply (Paper 29) be sealed because “portions contain sensitive, non-public information,” such as discussions of “confidential materials and information” contained in exhibits previously placed under seal.

Paper 31, 1.

In the Motion to Seal Patent Owner’s Sur-reply (Paper 36), Petitioner requests that Patent Owner’s Sur-Reply (Paper 35) be sealed because “the Sur-Reply discuss[es] confidential materials and information contained in Exhibits” previously placed under seal. Paper 36, 1.

Petitioner certifies that it has conferred with Patent Owner through counsel, and that Patent Owner does not oppose these motions to seal.

Upon considering the Petitioner’s representations and arguments and the contents of the documents sought to be sealed, we conclude that Petitioner has established good cause for sealing the requested documents.

#### ORDER

Accordingly, it is

ORDERED that Petitioner’s Third Motion to Seal is *granted*, and the unredacted version of Patent Owner’s Preliminary Sur-Reply (Paper 13) be sealed;

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FURTHER ORDERED that Petitioner's Fourth Motion to Seal is *granted*, and Petitioner's Reply (Paper 29) be sealed; and

FURTHER ORDERED that Petitioner's Motion to Seal Patent Owner's Sur-reply is *granted*, and Patent Owner's Sur-Reply (Paper 35) be sealed.

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