

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner

v.

BILLJCO LLC,

Patent Owner

CASE: IPR2022-00131

U.S. PATENT NO. 8,639,267

PATENT OWNER'S UNOPPOSED MOTION TO FILE UNDER SEAL
PURSUANT TO 37 C.F.R. §§ 42.14 AND 42.54

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Patent Owner respectfully submits this Patent Owner's Unopposed Motion to File Under Seal, requesting that the following information remain under seal: portions of Patent Owner's Response, as well as Exhibits 2015-2018, filed therewith. The under-seal version of the Patent Owner Response, along with the identified under-seal exhibits, have been filed.

Patent Owner has conferred with the Petitioner, and the Petitioner does not oppose this motion to seal.

Patent Owner respectfully requests that the Board enter the default protective order (See Consolidated Practice Guide at 107-122 (App. B)) in the above captioned case to govern treatment of the documents and information identified herein.

I. Good Cause

For good cause, the Board may “issue an order to protect a party or person from disclosing confidential information.” 37 C.F.R. § 42.54. The rules “identify confidential information in a manner consistent with Federal Rule of Civil Procedure 26(c)(1)(G), which provides for protective orders for trade secret or other confidential research, development, or commercial information.” Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48760 (Aug. 14, 2012).

Each of the sets of information below meets this standard, and for the reasons explained there is good cause for why those documents should remain under seal.

A. Under-Seal Version of Patent Owner's Response

Patent Owner has filed an under-seal Patent Owner Response and a public, redacted version of that Response. The redacted portions on pages 32-33 and 37-38 contain confidential Patent Owner regarding licensing negotiations strategy and terms.

This information fits within the kinds of information that the Trial Practice guide considers to be “confidential information,” such as “confidential research, development, or commercial information.” 77 Fed. Reg. 48756, 48760.

There is good cause for keeping the redacted information contained in Patent Owner's Response under seal. Publicly revealing the sensitive, competitive information could put the parties at a disadvantage in the marketplace.

B. Exhibit 2015: Licensing Negotiation Communication

Exhibit 2015 contains confidential information about Patent Owner's licensing strategy. This information fits squarely within the kinds of information that the Trial Practice guide considers to be “confidential information,” such as “confidential research, development, or commercial information.” 77 Fed. Reg. 48756, 48760.

There is good cause for Patent Owner's confidential product design and manufacture specifications under seal. Publicly revealing the sensitive, competitive information would put Patent Owner at a disadvantage in the marketplace.

C. Exhibits 2016-2018: License Agreements

Exhibits 2016, 2017 and 2018, filed under seal, are confidential settlement and license agreements. These documents contain details of confidential licensing negotiations and financial terms. The public release of these documents and references to these documents would harm both parties' competitive standing in their future patent acquisition and monetization efforts by disclosing negotiation tactics and the parties' process for the sale and acquisition of patents.

There is good cause for keeping these documents under seal.

II. Certification of Conference

Pursuant to 37 C.F.R. §§ 42.54(a), Patent Owner certifies that it has in good faith conferred with Petitioners' counsel. Petitioners' counsel does not oppose this motion to seal.

Both Petitioners and Patent Owner agree to abide by the parties' stipulated Protective Order pending a decision by the Board on the motion for entry thereof.

III. Request for Conference Call with the Board

Should the Board not be inclined to grant the present Unopposed Motion to File Under Seal, Patent Owner hereby requests a conference call with the Board to discuss any concerns prior to the Board issuing a decision on the Motion.

IV. Conclusion

Patent Owner respectfully requests that the Board grant this Unopposed Motion to File Under Seal, and keep the following documents under seal: the under-seal, unredacted version of the Patent Owner Response, and Exhibits 2015-2018.

Date: August 19, 2022

Respectfully Submitted,

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