

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD,
Petitioner,

v.

MEMORYWEB, LLC,
Patent Owner.

Case IPR2022-00222
Patent 10,621,228

PETITIONER'S MOTION TO SEAL

I. Introduction

Pursuant to 37 CFR § 42.54, Petitioner Samsung Electronics Co., Ltd., et al. respectfully moves to seal Petitioner's Reply to Patent Owner's Motion to Terminate.

II. Applicable Legal Principles for Sealing Confidential Information

A party seeking to protect confidential information may seek entry of a protective order in a proceeding before the Board. *See, e.g., Garmin Int'l, Inc. v. Cuozzo Speed Techs, LLC*, IPR2012-00001, Paper 34 (PTAB Mar. 14, 2013). Upon a showing of good cause, the Board may enter a Protective Order to protect from public disclosure such confidential information as disclosed by a party during the course of a proceeding before the Board. *See* 37 CFR § 42.54. Petitioner submits this Motion to safeguard the confidential information of the relevant parties to this proceeding, pursuant to the Protective Order.¹ *See* Paper 47.

¹ The relevant parties with respect to this Motion are Samsung Electronics Co., Ltd. ("Samsung" or "Petitioner") and Unified Patents, LLC ("Unified").

III. Good Cause Exists for Sealing the Unredacted Version of Petitioner's Reply

Petitioner's Reply to Patent Owner's Motion to Terminate includes confidential information designated as Protective Order Material pursuant to the Protective Order. Good cause exists for sealing the confidential version of Petitioner's Reply to Patent Owner's Motion to Terminate because it contains confidential business information that is unknown to the public. Indeed, the Board has already authorized filing of associated confidential evidence as "Parties and Board." In this regard, failing to seal the confidential version of the Petitioner's Reply to Patent Owner's Motion to Terminate would frustrate the purpose of sealing the confidential evidence. Indeed, the sealing of confidential information in Petitioner's Reply to Patent Owner's Motion to Terminate would ensure that information designated throughout the proceedings as confidential remains protected.

When the record of this proceeding is considered as a whole, the public would still have full access to the nature of the information and the conclusions reached using the publicly available information. Such access should adequately fulfill the needs of the public to maintain a complete and understandable file history, while still protecting confidential and proprietary information. For these reasons, good cause exists for the Board to seal and protect Petitioner's Reply to Patent Owner's Motion to Terminate.

IV. Non-Confidential Version

As required by the Board's Trial Practice Guide, a non-confidential redacted version of the Petitioner's Reply to Patent Owner's Motion to Terminate is forthcoming. Petitioner will submit a redacted version of this Reply after the relevant parties have had the opportunity to review following submission of the Reply. The redactions will be limited in nature to the scope of the confidential information.

V. Certification of Non-Publication

On Petitioner's behalf, the undersigned counsel certifies that, to the best of its knowledge, the confidential information in the Petitioner's Reply to Patent Owner's Motion to Terminate has not been published or otherwise made public.

VI. Conclusion

For the above reasons, Petitioner respectfully requests that Petitioner's Reply to Patent Owner's Motion to Terminate be treated as confidential information, be placed under seal, and be maintained under the entered Protective Order as "Protective Order Material."

Respectfully submitted,

Dated: October 13, 2023

/Hyun Jin In/

W. Karl Renner, Reg. No. 41,265
Jeremy J. Monaldo, Reg. No. 58,680
Hyun Jin In, Reg. No. 70,014
Christopher O. Green, Reg. No. 52,964
Fish & Richardson P.C.
60 South Sixth Street, Suite 3200
Minneapolis, MN 55402
T: 202-783-5070
F: 877-769-7945

Attorneys for Petitioner

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