

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

APPLE INC.,

Petitioner

v.

BILLJCO LLC,

Patent Owner

CASE: IPR2022-00426

U.S. PATENT NO. 8,761,804

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 2028-2031, filed therewith. The under-seal version of the Patent Owner Response, along with the identified under-seal exhibits, are being filed concurrently with this motion.

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 33-35 and 39-40 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 2028: Licensing Negotiation Communication

Exhibit 2028 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 2029-2031: License Agreements

Exhibits 2029, 2030 and 2031, 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 2028-2031.

Date: October 11, 2022

Respectfully Submitted,

Mailing address for all correspondence:
Saul Ewing Arnstein & Lehr, LLP
Centre Square West
1500 Market Street, 38th Floor
Philadelphia, PA 19102-2186

Brian R. Michalek
Brian R. Michalek (Reg. No. 65,816)
Joseph M. Kuo (Reg. No. 38,943)
Saul Ewing Arnstein & Lehr, LLP
161 N. Clark Street, Suite 4200
Chicago, Illinois 60601
Tel: (312) 876-7151
Brian.Michalek@saul.com
Joseph.Kuo@saul.com

Brian Landry (Reg. No. 52,074)
Saul Ewing Arnstein & Lehr, LLP
131 Darmouth Street, Suite 501
Boston, MA 02116
Tel: (617) 912-0969
Brian.Landry@saul.com

Courtland C. Merrill
(pro hac vice)
Saul Ewing Arnstein & Lehr, LLP
33 South Sixth Street, Suite 4750
Minneapolis, MN 55402
Tel: (612) 225-2943
Courtland.Merrill@saul.com

Counsel for Patent Owner, BillJCo, LLC

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.