

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ASSA ABLOY AB, ASSA ABLOY INC., ASSA ABLOY RESIDENTIAL
GROUP, INC., AUGUST HOME, INC., HID GLOBAL CORPORATION,
and ASSA ABLOY GLOBAL SOLUTIONS, INC.,
Petitioners,

v.

CPC PATENT TECHNOLOGIES PTY LTD.,
Patent Owner.

IPR2022-01006 (Patent 9,665,705 B2)
IPR2022-01045 (Patent 9,269,208 B2)
IPR2022-01089 (Patent 9,269,208 B2)¹

Before SCOTT A. DANIELS, BARRY L. GROSSMAN, and
AMBER L. HAGY, *Administrative Patent Judges*.

GROSSMAN, Administrative Patent Judge.

ORDER
Granting Revised Joint Motion for Protective Order
37 C.F.R. § 42.5

¹ A copy of this Order will be entered in each case. The parties are not authorized to use this combined caption.

Case IPR2022-01006
Patent 9,665,705 B2

With our authorization, the parties filed an identical Revised Joint Motion for Protective Order in each of IPR2022-01006, IPR2022-01045 and IPR2022-01089. *See*, Paper 21 (for IPR2022-01006); and Paper 19 (for each of IPR2022-01045; 01089) (“Revised Joint Motions”).

The Revised Joint Motions include an agreed upon Stipulated Protective Order, attached as Appendix A. The Revised Joint Motions also include a red-lined mark-up showing the differences between the Stipulated Protective Order and the PTAB’s default protective order, attached as Appendix B.

Our 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. 37 C.F.R. §42.54. A protective order must be proposed by one or more parties and must be approved and entered by the Board. Protective orders may be issued for good cause by the Board to protect a party from disclosing confidential information. *Id.*

As stated in the Patent Trial and Appeal Board Consolidated Trial Practice Guide (November 2019) (“TPG”), the parties may propose modifications to the Default Protective Order. TPG 115. The Board will consider changes agreed to by the parties, and generally will accept such proposed changes if they are consistent with the integrity and efficient administration of the proceedings. *Id.* For example, the parties may agree to modify the Default Protective Order to provide additional tiers or categories of confidential information, such as a category of “Outside Attorneys’ Eyes Only” (*id.*), as proposed in the submitted Revised Joint Motions.

Based on the nature of the technology involved in this proceeding, and the competition among the parties, we determine good cause exists for entry of the Stipulated Protective Order. We also determine that the Stipulated Protective Order is consistent with the integrity and efficient administration of the proceedings.

The terms of the entered Stipulated Protective Order govern the treatment of any confidential portions of documents, testimony, and other information designated as confidential, as well as the filing of confidential documents or discussion of confidential information in any papers filed with the Board. TPG, 107. In filing the Joint Motions, the parties acknowledge that the Board has the authority to enforce the terms of the Stipulated Protective Order, to provide remedies for its breach, and to impose sanctions on a party and a party's representatives for any violations of its terms. *Id.* at 107–108.

The Revised Joint Motions for entry of the Stipulated Protective Order are granted.

Case IPR2022-01006
Patent 9,665,705 B2

PETITIONER:

Dion Bregman
Andrew Devkar
James Kritsas
MORGAN, LEWIS & BOCKIUS LLP
dion.bregman@morganlewis.com
andrew.devkar@morganlewis.com
james.kritsas@morganlewis.com

PATENT OWNER:

Andrew Ryan
CANTOR COLBURN LLP
ryan@cantorcolburn.com