

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ENSIGN US SOUTHERN DRILLING LLC,
Petitioner,

v.

C&M OILFIELD RENTALS, LLC
D/B/A C-MOR ENERGY SERVICES
Patent Owner.

Case No. IPR2023-00804
U.S. Patent No. 10,976,016

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

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. §§ 42.14 and 42.54 and the previously filed, but not yet entered Proposed Protective Order in Ex. 1056, Patent Owner hereby requests that certain portions of Patent Owner's Response to the Petition for *Inter Partes* Review of U.S. Patent No. 10,976,016, Exhibit 2006, Exhibit 2011, Exhibit 2012, Exhibit 2013, Exhibit 2014, Exhibit 2015, and Exhibit 2017 that include confidential information be maintained under seal in the above-captioned IPR proceeding consistent with the Proposed Protective Order and prior decisions in related district court proceedings.

II. GOOD CAUSE EXISTS FOR SEALING THE CONFIDENTIAL INFORMATION

The Board may issue this order "for good cause," i.e., why information sought to be sealed constitutes confidential information. 37 C.F.R. § 42.54; *Garmin Int'l, Inc. v. Cuozzo Speed Techs. LLC*, IPR2012-00001, Paper 36, Decision on Revised Mot. to Seal, p. 4 (PTAB Apr. 5, 2013). Notably, "[t]he 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." Trial Practice Guide at 19 (citing 37 C.F.R. § 42.54).

As reflected in Patent Owner's response and supporting exhibits, the information to be submitted to the Board includes party confidential information

relating to technical information that Patent Owner and Petitioner believe comprises confidential research, development, and commercial financial information. Specifically, Patent Owner hereby submits under seal the following materials to be designated as PROTECTIVE ORDER MATERIAL under the Proposed Protective Order:

- Patent Owner's Response to Petition for *Inter Partes* Review of Patent U.S. Patent No. 10,976,016 (public version to be separately filed)
- Exhibit 2006 – January 18, 2024, Declaration of Dr. Gary R. Wooley (public version to be separately filed)
- Exhibit 2011
- Exhibit 2012 (public version to be separately filed)
- Exhibit 2013
- Exhibit 2014
- Exhibit 2015
- Exhibit 2017

Several of the above documents were also submitted under seal in related district court proceedings. Patent Owner has filed both the originals of these documents for the Board and parties eyes only, as well publicly filed redacted versions

consistent with what was submitted in their respective district court cases under the protective orders governing those cases.

III. CONCLUSION

For the above reasons, Patent Owner request that Patent Owner's Response to Petition for *Inter Partes* Review of U.S. Patent No. 10,976,016, Exhibit 2006, Exhibit 2011, Exhibit 2012, Exhibit 2013, Exhibit 2014, Exhibit 2015, and Exhibit 2017 be placed and maintained under seal.

Dated: January 18, 2024

Respectfully Submitted,

/ Dion M. Bregman /
Dion M. Bregman, Reg. No. 45,645

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e)(4), lead counsel for Patent Owner hereby certifies that on January 18, 2024, a copy of this MOTION TO SEAL was served to the email correspondence address of record for Petitioner's counsel of record:

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Dated: January 18, 2024

Respectfully Submitted,

/ Dion M. Bregman /
Dion M. Bregman, Reg. No. 45,645