

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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MICROSOFT CORPORATION,  
HP INC., DELL INC., DELL TECHNOLOGIES INC.,  
ASUSTEK COMPUTER INC., ASUS GLOBAL PTE. LTD.,  
Petitioners

v.

LITL LLC,  
Patent Owner.

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IPR2024-00457

U.S. Patent No. 9,880,715

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**PETITIONER'S REQUEST FOR  
ENTRY OF PROTECTIVE ORDER  
AND  
MOTION TO SEAL  
PURSUANT TO 37 C.F.R. §§ 42.14 & 42.54**

Pursuant to 37 CFR § 42.55(b), Petitioner Microsoft Corporation (“Petitioner”) proposes entry of the Protective Order attached to this motion as Exhibit 1. Exhibit 2 tracks any changes from the default protective order, where the changes are meant to introduce an additional level of confidentiality as “CONFIDENTIAL—OUTSIDE ATTORNEYS’ EYES ONLY MATERIAL”.

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Petitioner respectfully submits this Motion to Seal. Petitioner moves to seal certain portions of Patent Owner’s Preliminary Response (Paper 11) as well as Exhibits 2018-2020, 2023, 2025, 2032-2034, and 2038-2039 (filed with Patent Owner’s Preliminary Response).

Petitioner has conferred with Patent Owner, and Patent Owner indicated it does not oppose.

## **I. GOOD CAUSE EXISTS**

The Office Trial Practice Guide (TPG) states that “a document or thing will be made publicly available, unless a party files a motion to seal that is then granted by the Board.” Office Trial Practice Guide (Nov. 2019) at 19; *see also* 35 U.S.C. §316(a)(7). “The document or thing will be protected on receipt of the motion and remain so, pending the outcome of the decision on motion.” *Id.* The TPG states that “protective orders may be issued for good cause by the Board to protect a party from disclosing confidential information.” *Id.* at 20 (citing C.F.R. § 42.54). Here, there is good cause for sealing certain portions of Patent Owner’s

Preliminary Reply and the entirety of Exhibits 2018-2020, 2023, 2025, 2032-2034, and 2038-2039 pursuant to 37 C.F.R. § 42.51(B)(2)(i) because Petitioner has obligations to maintain the confidentiality of the licensing information referenced therein. Disclosure of this confidential information could also cause competitive harm to Microsoft and other parties, including because it would disclose confidential licensing terms.

## **II. PROTECTIVE ORDER**

Petitioner is designating certain portions of Patent Owner’s Preliminary Reply and the entirety of Exhibits 2018-2020, 2023, 2025, 2032-2034, and 2038-2039 as “CONFIDENTIAL—OUTSIDE ATTORNEYS’ EYES ONLY MATERIAL” pursuant to the parties’ agreed Protective Order.

The designated portions of Patent Owner’s Preliminary Reply and Exhibits 2018-2020, 2023, 2025, 2032-2034, and 2038-2039 for which Petitioner seeks to restrict access under an “Attorneys’ Eyes Only” designation are documents that contains highly competitively sensitive information related to licensing, including precise license terms and rates that should only be accessible to persons that qualify under Paragraph 4 of the amended Protective Order.

## **III. CONCLUSION**

For at least the foregoing reasons, Petitioner requests that the Board enter the parties’ agreed protective order and seal certain portions of Patent Owner’s

Preliminary Response and Exhibits 2018-2020, 2023, 2025, 2032-2034, and 2038-2039 in their entirety.

Respectfully submitted,

*/ Jessica Kaiser /*

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Date: June 24, 2024

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of **PETITIONER'S MOTION TO SEAL PURSUANT TO 37 C.F.R. §§ 42.14 & 42.54** was served via electronic mail, as previously consented to by Petitioner, upon the following:

Gerald B. Hrycyszyn: GHrycyszyn-PTAB@WolfGreenfield.com  
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Respectfully submitted,

*/ Jessica Kaiser /*

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Date: June 24, 2024