

Patent No. 10,583,362 – Petitioner’s Motion to Seal and for Entry of Protective Order

Filed on behalf of Supercell Oy

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SUPERCCELL OY,
Petitioner,

v.

GREE, INC.,
Patent Owner.

Post Grant Review No. _____
Patent 10,583,362 B2

**PETITIONER’S MOTION TO SEAL EXHIBIT 1007
AND FOR ENTRY OF PROTECTIVE ORDER**

Patent No. 10,583,362 – Petitioner’s Motion to Seal and for Entry of Protective Order

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Petitioner Supercell Oy (“Supercell”) respectfully requests that Exhibit 1007, filed concurrently herewith, be filed under seal. Petitioner also respectfully requests that the Board enter the protective order attached as Appendix A to this Motion, which is the model protective order contained within the Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48769-770 (Aug. 14, 2012).

The exhibit at issue was served on Petitioner by Patent Owner GREE, Inc. (“GREE”) on August 19, 2020 in the ongoing litigation between the parties in the action *GREE, Inc. v. Supercell Oy*, Case No. 2:19-cv-00413-JRG-RSP (E.D. Texas) (the “Civil Action”). GREE designated that document as “RESTRICTED – CONFIDENTIAL SOURCE CODE.”

I. REASONS FOR RELIEF AND STATEMENT OF FACTS

A. Good Cause Exists for Sealing Exhibit 1007

The Office Patent Trial Practice Guide provides that “the rules aim to strike a balance between the public’s interest in maintaining a complete and understandable file history and the parties’ interest in protecting truly sensitive information.” 77 Fed. Reg. 48756, 48760 (Aug. 14, 2012). Petitioner submits that this Motion to Seal protects Supercell’s sensitive information, while not significantly impacting the public’s interest in maintaining a complete and understandable file history and also protects a sensitive District Court Litigation document served by GREE, Inc.

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Furthermore, Patent Owner GREE is already in possession of Exhibit 1007, and created the document in the course of the Civil Action.

B. Exhibit 1007 Includes Confidential Information and Public Disclosure Would Result in Concrete Harm

Exhibit 1007 is GREE, Inc.’s Amended Disclosure of Asserted Claims and Infringement Contentions, served on Supercell on August 19, 2020, and designated by GREE as “RESTRICTED – CONFIDENTIAL SOURCE CODE” because it contains references to the source code of Supercell’s Clash Royale game. To the extent that Exhibit 1007 is referenced in the Petition and other exhibits, such references do not include the confidential source code.

II. CERTIFICATION OF NON-PUBLICATION

Petitioner certifies that to the best of its knowledge, Exhibit 1007 has never been published or otherwise made public. The Patent Owner and Petitioner made efforts to maintain the confidentiality of this information in the Civil Action. In the Civil Action, the information Petitioner seeks to seal was produced pursuant to a Protective Order agreed upon by the Parties and was designated “CONFIDENTIAL – OUTSIDE COUNSEL ONLY” pursuant to that Protective Order.

III. CONCLUSION

For the reasons set forth above, Petitioner respectfully requests the Board grant its motion to seal, and enter the proposed Protective Order.

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Dated: December 9, 2020

Respectfully submitted,

FENWICK & WEST LLP

/Brian Hoffman /

Reg. No. 39,713

Attorneys for Petitioner Supercell Oy

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6, the undersigned certifies that on December 9, 2020, a copy of the foregoing **Petitioner’s Motion to Seal Exhibit 1007 and For Entry of Protective Order** was served on Patent Owner’s correspondence address of record in its entirety by Federal Express – Priority Delivery upon the following:

MAIER & MAIER, PLLC
345 South Patrick Street
Alexandria VA 22314

Dated: December 9, 2020

FENWICK & WEST LLP

/Brian Hoffman/

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