

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

PATENT TRIAL AND APPEAL BOARD

FISERV, INC., JACK HENRY & ASSOCIATES, INC., Q2 SOFTWARE, INC.,
AMERICAN NATIONAL BANK OF TEXAS and HANMI BANK
Petitioner,

v .

MIRROR IMAGING LLC
Patent Owner.

COVERED BUSINESS METHOD
REVIEW OF U.S. PATENT NO. 6,963,866
Covered Business Method Review No. CBM2018-00014

“Method Of Obtaining An Electronically Stored Financial Document”

MOTION TO SEAL

I. INTRODUCTION

Petitioner hereby respectfully submits this Motion to Seal pursuant 37 C.F.R. §42.14 and §42.55.

II. RELIEF REQUESTED

Pursuant to 37 C.F.R. §§ 42.14 and 42.55, and the reasons set forth below, Petitioner requests that the Board seal Exhibit 1014, 1076 and 1077.

III. GOOD CAUSE EXISTS FOR SEALING CERTAIN CONFIDENTIAL INFORMATION

The record of a proceeding, including documents, are generally made available to the public. 37 C.F.R. §42.14. However, the Board may grant a motion to seal confidential information for “good cause.” 37 C.F.R. §42.54; *Garmin int’l v. Cuozzo Speed Tech., LLC*, IPR2012-00001, Paper 36, at p. 3-4. Confidential information includes trade secret or other confidential research, development, or commercial information. 37 C.F.R. §42.2. The Board will need to “know why the information sought to be sealed constitutes confidential information.” *Cuozzo* at 4. The Board aims “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.” *See id.* at 4 (quoting the office Trial Practice Guide 77 Fed. Reg. 48756, 48760 (Aug 14, 2012)).

Exhibit 1014

Exhibit 1014 sought to be submitted under seal is a claim chart prepared by Patent Owner alleging infringement by Austin Bancorp, Inc. and marked by Patent Owner as confidential in co-pending litigation styled *Mirror Imaging LLC v. Austin Bancorp, Inc., et al.*, Case No. 2:17-cv-00539-JRG, Dkt. No. 1, (E.D.Tex. July 16, 2017). To maintain Patent Owner's interest in keeping Exhibit 1014 confidential, the Petitioner requests the Board seal Exhibit 1014 in this proceeding.

Exhibit 1076

Exhibit 1076 sought to be submitted under seal is a services agreement between Q2 Software and Hanmi Bank. The services agreement contains confidential commercial information that has no value to the public. Thus, the interest in keeping this commercial information confidential outweighs the public's interest to see this commercial information.

Exhibit 1077

Exhibit 1077 sought to be submitted under seal is an agreement to defend between Q2 Software and Hanmi Bank. The agreement to defend contains confidential commercial information that has no value to the public. Thus, the interest in keeping this commercial information confidential outweighs the public's interest to see this commercial information.

IV. CERTIFICATION OF NON-PUBLICATION

To the best of Petitioner's knowledge, the contents of Exhibit 1014, 1076 and 1077 has not been made public.

V. CERTIFICATION OF CONFERENCE WITH OPPOSING PARTY

This motion is being filed with the Petition, thus Petitioner has not had an opportunity to confer with Patent Owner. Petitioner will confer with Patent Owner regarding confidentiality and protective order issues once Patent Owner has filed its mandatory notices in this proceeding.

VI. PROPOSED PROTECTIVE ORDER


The protective order submitted concurrently is the Board's Standing Protective Order as provided in Appendix B of the Board's trial practice guidelines.

VII. CONCLUSION

For the reasons set forth above, Petitioner respectfully requests the Board grant the present motion to seal and enter the proposed protective order.

Respectfully Submitted

Dated: January 11, 2018

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CERTIFICATE OF SERVICE UNDER 37 CFR § 42.6(e)(4)

The undersigned hereby certifies that a copy of the foregoing, including any accompanying exhibits not filed under seal^{1/}, has been served via Priority Mail Express® to the Patent Owner on January 11, 2018, at the correspondence address of record for the subject patent:

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^{1/} Pursuant to 37 CFR §42.55, “the petitioner must file, but need not serve, the confidential information under seal.” Patent Owner may contact Petitioner for copies of documents filed under seal once Patent Owner agrees to be bound by the submitted protective order.