

**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. 7,552,118  
CBM2018-00017**

**“Method of Obtaining Electronically-Stored Financial Documents”**

---

**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 Austin Bank, Texas National Association 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.

Dated: January 10, 2018

By: /James Murphy/  
David A. Roodman, Lead Counsel  
Reg. No. 35,663  
Nick Williamson,  
*Pro Hac Vice*  
Bryan Cave LLP  
One Metropolitan Square  
211 N. Broadway, Suite 3600  
St. Louis, MO 63102-2750

James Murphy  
Reg. No. 55,474  
Henry Petri Jr.  
Reg. No. 33,063  
Polsinelli PC  
1000 Louisiana Street  
53rd Floor  
Houston, TX 77002

Jeff Cole  
Reg. No. 56,052  
Aaron Fountain  
*Pro Hac Vice*  
DLA Piper LLP (US)  
401 Congress Ave, Suite 2500  
Austin, TX 78701