

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SOLAR JUNCTION CORPORATION  
Petitioner Application No. 16/132,059  
Petitioner

v.

IQE, PLC  
Respondent Patent No. 9,768,339  
Respondent

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Case DER2018-00019

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**PETITIONER SOLAR JUNCTION'S MOTION TO SEAL DERIVATION  
PETITION AND EXHIBITS 1006, 1008-1012, 1030-1037, 1040-1047, 1049,  
1051-1057, and 1059-1073**

***Mail Stop "Patent Board"***  
Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

## **I. Introduction**

Petitioner Solar Junction Corporation (“Solar Junction”) submits this Motion to Seal the Derivation Petition and accompanying Exhibits 1006, 1008-1012, 1030-1037, 1040-1047, 1049, 1051-1057, and 1059-1073 (hereinafter, “the Documents sought to be Protected”) pursuant to 37 C.F.R. § 42.54.

## **II. Argument**

In determining whether to grant a Motion to Seal, the Board must find “good cause” and “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.” 37 C.F.R. § 42.54(a); 77 Fed. Reg. 48,756, 48,760 (Aug. 14, 2012). As laid out in the *Office Trial Practice Guide*, the Board identifies confidential information in a manner “consistent with Federal Rule of Civil Procedure 26(c)(1)(G), which provides for protective orders for . . . confidential research, development, or commercial information.” 77 Fed. Reg. 48,756, 48,760.

The Documents sought to be Protected contain Solar Junction’s confidential information. To the best of Solar Junction’s knowledge, the documents sought to be protected have not been made publicly available.

Public disclosure of the documents sought to be protected would significantly harm Solar Junction’s competitive and strategic position in the marketplace. And the public interest will not be harmed by granting this motion to

seal the documents as “**PROTECTIVE ORDER MATERIAL.**” In short, granting this motion to seal would achieve “a balance between the public’s interest in maintaining a complete and understandable file history and the parties’ interest in protecting truly sensitive information.” *Office Trial Practice Guide*, 77 Fed. Reg. 48,756, 48,760 (Aug. 14, 2012). Therefore, good cause exists for granting this motion to seal.

### **III. Relief Requested**

For the reasons stated above, Solar Junction requests that the Board seal and protect Solar Junction’s confidential information contained in the Derivation Petition and Exhibits 1006, 1008-1012, 1030-1037, 1040-1047, 1049, 1051-1057, and 1059-1073. Solar Junction further requests that the Board seal and protect the confidential information in these documents until such time as it receives and rules on this Motion.

Respectfully Submitted,

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Date: September 18, 2018

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**CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))**

The undersigned hereby certifies that the foregoing **PETITIONER SOLAR JUNCTION'S MOTION TO SEAL DERIVATION PETITION AND EXHIBITS 1006, 1008-1012, 1030-1037, 1040-1047, 1049, 1051-1057, AND 1059-1073** was served via FedEx Express® on September 18, 2018, in its entirety on the following:

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record for U.S. Patent No. 9,768,339*

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