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Paper 34 IPR2014-00678
Paper 32 IPR2014-00687
Paper 32 IPR2014-00688
Paper 31 IPR2014-00689
Date: December 15, 2014

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PETROLEUM GEO-SERVICES INC.,
Petitioner,

v.

WESTERNGECO LLC,

Patent Owner.

Cases[1]
IPR2014-00678 (Patent 6,691,038)
IPR2014-00687 (Patent 7,162,967)
IPR2014-00688 (Patent 7,080,607)
IPR2014-00689 (Patent 7,293,520)

Before BRYAN F. MOORE, SCOTT A. DANIELS, and BEVERLY M. BUNTING, *Administrative Patent Judges.*

MOORE, *Administrative Patent Judge*.

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[1] This Order addresses issues that are the same in all four cases. Therefore, we exercise our discretion to issue one Decision to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

ORDER GRANTING IN PART MOTION TO SEAL
Conduct of the Proceedings
37 C.F.R. § 42.14, 42.54

On December 2, 2014, a conference call was held in the above proceedings regarding joint motions to seal. Present on the call were counsel for the parties and Administrative Patent Judges Bryan Moore, Scott Daniels, and Beverly Bunting, and a court reporter.

Petitioner filed motions to seal with its petitions in the above entitled IPRs. In an order dated August 12, 2014, due to the lack of specificity in Petitioner's original motions to seal, the Board authorized a renewed motion to seal filed as a joint motion to seal. The parties filed the joint motion to seal on September 30, 2014. Paper 30.[2]

The Board was persuaded that the exhibits requested to be sealed should be sealed except the following: Ex. 2004 of the 678 case, Ex. 1019 and 1025 of the 688 case, Ex. 1020 of the 687 case, and Ex. 1053 of the 689 case. The Board's standards for granting motions to seal are discussed in *Garmin International v. Cuozzo Speed Technologies, LLC*, IPR2012-00001 (Paper 34, March 14, 2013). In summary, there is a strong public policy for making all information filed in *inter partes* review proceedings open to the public. *Id*. The public has a strong interest in accessing documents or portions of document that allegedly discloses information relevant to claim construction or the support for any ground of

[2] All references to papers cite to the IPR2014-00678 case unless otherwise noted.

invalidity. The standard for granting a motion to seal is "good cause." 37 C.F.R. § 42.54. The moving party bears the burden of showing that the relief requested should be granted. 37 C.F.R. § 42.20(c). This includes showing that the information is *truly confidential*, and that such *confidentiality outweighs* the strong public interest in having an open record.

Parties have failed to carry this burden as to the exhibits listed above. The exhibits are described generally in the motions to seal as being a third party's (Ion Geophysical Corporation's (Ion")) confidential documents subject to a protective order in the district court. *See e.g.*, Paper 30, 5. Our review of these exhibits revealed that they contained generally discussion of prior art without any obviously confidential discussion. Given these facts, the Panel conducted a phone conference in which the parties did not provide further detail regarding the specific reasons for the confidentiality of the exhibits in question. Nonetheless, the parties offered to, and did, reach out Ion regarding the exhibits. In an email to the Board dated Thursday, December 11, 2014, Ion indicated that it did not intend to defend the confidentiality of those exhibits.

Finally, we note also that the parties submitted an unsigned copy of the Default Protective Order. Thus, the joint motion to seal is denied as to those exhibits and granted as to all other exhibits listed in the motion conditioned on the parties filing a signed copy of Default Protective Order within ten business days of this order.

It is

ORDERED that the joint motion to seal is DENIED as to Ex. 2004 of the 678 case, EX. 1019 and 1025 of the 688 case, Ex. 1020 of the 687 case, and Ex. 1053 of the 689 case and these exhibits submitted under seal, shall be made public in ten business days from the date of this order;

FURTHER ORDERED that the joint motion to seal is conditionally GRANTED as to the remaining exhibits in the joint motion to seal pending the parties filing a copy of the Default Protective Order signed by both parties within ten business days of this order;

FURTHER ORDERED that the Default Protective Order shall be entered in this case upon filing of a signed copy thereof.

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IPR2014-00688 (Patent 7,080,607)
IPR2014-00689 (Patent 7,293,520)

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