

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Arkema France

Petitioner

v.

Honeywell International Inc.

Patent Owner

Trial No.: IPR2015-00916
U.S. Patent No. 8,710,282

PETITIONER'S MOTION TO SEAL

Petitioner Arkema France (“Petitioner”) respectfully moves to seal Exhibit 1020 containing the unredacted court reporter transcript of the conference call held February 24, 2016 between the parties and the Board.¹ Specifically, the following constitute information contained in the transcript that Patent Owner asserts is confidential and seeks to be sealed:

Pages 16:22 to 17:2.

Pages 17:16 to 17:24.

Pages 18:5 to 18:9.

Pages 19:9 to 20:14.

Pages 27:3 to 27:9.

Pages 39:1 to 40:4.

Counsel for Patent Owner identified the above sections of the transcript as “Highly Confidential – Attorneys’ Eyes Only.” Petitioner does not oppose Patent Owner’s identifications. In support of this Motion, Petitioner respectfully submits the following:

¹ Petitioner also submits concurrently with this filing Exhibit 1019, which is a redacted version of the transcript mentioned above. Exhibit 1019 is not filed under seal.

I. Good Cause Exists to Seal Portions of the Court Reporter Transcript

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. 48756, 48760 (Aug. 14, 2002). Good cause exists to seal the above-mentioned portions of the court reporter transcript.

The transcript records the February 24, 2016 conference call held to discuss, *inter alia*, Petitioner’s request to file a motion for additional discovery. During this conference call, the parties discussed the substance of some exhibits Patent Owner previously moved to seal (see Paper 22) and marked “Highly Confidential-Protective Order Material” pursuant to the parties’ agreed Protective Order (Exs. 2044 and 2045). While the Board has not yet ruled on Patent Owner’s motion to seal, to the extent that the Board grants Patent Owner’s motion to seal, the Board should also grant Petitioner’s motion to seal portions of the transcript that discuss the substance of those sealed exhibits. Furthermore, the majority of the transcript remains unredacted, and the exclusion of the redacted information will not affect the public’s interest in maintaining a complete and understandable file history.

II. Certification of Non-Publication

Petitioner certifies that the redacted portions of Exhibit 1020 contain information that Patent Owner has asserted to be confidential and has not been publicly disclosed.

III. Certification of Conference with Counsel for Patent Owner Pursuant to 37 C.F.R. § 42.54

Petitioner certifies that it has conferred with Patent Owner and that Patent Owner does not oppose this motion to seal. Petitioner also certifies that the proposed protective order previously filed by Patent Owner at Exhibits 2044 and 2045 is agreed to by the parties.

IV. Conclusion

For the foregoing reasons, Petitioner respectfully submits that good cause exists to seal the redacted portions of the court reporter transcript filed as Exhibit 1020.

Dated: February 25, 2016

Respectfully submitted,

/Rickard K. DeMille/

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing PETITIONER'S MOTION
TO SEAL has been served in its entirety this 25th day of February, 2016 by
electronic mail on:

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