

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 SECOND MOTION TO SEAL

Petitioner Arkema France (“Petitioner”) respectfully moves to seal portions of its Motion for Additional Discovery filed March 3, 2016 that discuss Patent Owner’s confidential information.

I. Good Cause Exists to Seal Portions of the Motion for Additional Discovery

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 redacted portions of Petitioner’s Motion for Additional Discovery.

The Motion for Additional Discovery discusses 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 the redacted portions of the Motion for Additional Discovery that discuss the substance of those sealed exhibits. Furthermore, the majority of the Motion for Additional Discovery

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 the Motion for Additional Discovery 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 Petitioner's Motion for Additional Discovery.

Dated: March 3, 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 SECOND MOTION TO SEAL has been served in its entirety this 3rd day of March, 2016 by electronic mail on:

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