

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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**Arkema France**

**Petitioner**

**v.**

**Honeywell International Inc.**

**Patent Owner**

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**Trial No.: IPR2015-00916**

**U.S. Patent No. 8,710,282**

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**PETITIONER'S MOTION TO SEAL**

Petitioner Arkema France (“Petitioner”) respectfully moves to seal Exhibit 1023 containing the unredacted court reporter transcript of the conference call held April 12, 2016 between the parties and the Board.<sup>1</sup> Specifically, the following constitute information contained in the transcript that Patent Owner asserts is confidential and seeks to be sealed:

Page 7:13, 17-25.

Page 8:5, 12-22.

Page 9:3.

Pages 11:24 to 12:2.

Page 12:20-22.

Pages 12:24 to 13:1.

Page 13:3-4.

Pages 14:25 to 15:7.

Page 16:6-7, 15, 17.

Page 18:1-4, 6-7.

Pages 18:24 to 19:2.

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<sup>1</sup> Petitioner also submits concurrently with this filing Exhibit 1022, which is a redacted version of the transcript mentioned above. Exhibit 1022 is not filed under seal.

Counsel for Patent Owner requested that the above sections of the transcript be redacted. Petitioner does not oppose Patent Owner's identifications. In support of this Motion, Petitioner respectfully submits the following:

**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.

On April 8, 2016 Patent Owner produced a whitepaper to Petitioner as routine discovery pursuant to the Board Order dated April 1, 2016 (*see* Paper #37). Patent Owner redacted portions of the whitepaper, marking the document as "Highly Confidential-Protective Order Material" pursuant to the parties' agreed Protective Order (Exs. 2044 and 2045).

The transcript now sought to be sealed records the April 12, 2016 conference call held to discuss, *inter alia*, Petitioner's request to compel production of an unredacted copy of the whitepaper. During the conference call, Patent Owner discussed the substance of redacted portions of the whitepaper. Those are the portions of the transcript listed above. 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 1023 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 1023.

Dated: April 21, 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 21st day of April, 2016 by electronic mail on:

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