

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COX COMMUNICATIONS, INC.
Petitioner

v.

AT&T INTELLECTUAL PROPERTY I, L.P. AND
AT&T INTELLECTUAL PROPERTY II, L.P.
Patent Owners

Case IPR2015-01187 (Patent 6,993,353 B2) ¹
Case IPR2015-01227 (Patent 7,907,714 B2)
Case IPR2015-01273 (Patent 6,487,200 B1)
Case IPR2015-01536 (Patent 8,855,147 B2)

MOTION TO SEAL

¹ The Board authorized the use of this caption style in its January 7, 2016 Order.

Identical papers are filed in each respective case.

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Patent Owners AT&T Intellectual Property I, L.P. and AT&T Intellectual Property II, L.P. (“AT&T” or “Patent Owners”) moves to seal Exhibit 2026, Exhibit 2031, and the Motion for Additional Discovery.

I. Good Cause Exists for Sealing Certain Confidential Information.

The Office Patent Trial Practice Guide provides that “the rules aim to strike a balance between the public’s interest in maintaining a complete and understandable file history and the parties’ interest in protective truly sensitive information.” 77 Fed. Reg. 48756, 48760 (Aug. 14, 2012). Those rules “identify confidential information in a manner consistent with Federal Rule of Civil Procedure 26(c)(1)(G), which provides for protective orders for trade secret or other confidential research, development, or commercial information.” *Id.* (citing 37 C.F.R. § 42.54). The moving party has the burden of establishing “good cause” for sealing documents containing confidential information. *Garmin Int’l, Inc. v. Cuozzo Speed Techs. LLC*, Case No. IPR2012-00001, Paper 37, 4 (P.T.A.B. Apr. 5, 2013).

As detailed below, Exhibit 2026, Exhibit 2031, and the Motion for Additional Discovery contain or cite to information that Cox has alleged is confidential and protected from disclosure.

A. Exhibit 2026

Exhibit 2026 is a transcript of the conference call hearing held January 5,

2016 between the parties and the Board in which AT&T sought leave to file a motion for additional discovery. During the conference, Cox appeared to allege that certain statements of fact made by AT&T were confidential information, but Cox did not elaborate. Based on Cox's statements, and out of an abundance of caution, AT&T moves to seal portions of the transcript.

B. Exhibit 2031

Exhibit 2031 is a letter packet of information received in advance of structured settlement discussions. The information describes expectations and procedures prior to, at, and after such discussions, including confidentiality. During the aforementioned conference call, Cox appeared to allege that certain related statements of fact made by AT&T were confidential information, but did not elaborate. Based on Cox's statements, and out of an abundance of caution, AT&T moves to seal the letter packet.

C. AT&T's Motion for Additional Discovery

AT&T's contemporaneously-filed Motion for Additional Discovery discusses the potentially confidential information reflected in Exhibit 2026 and Exhibit 2031. As Cox has alleged portions of Exhibit 2026 and Exhibit 2031 are confidential and require protection from public disclosure, AT&T moves to seal portions of its Motion for Additional Discovery.

II. Certification of Non-Publication

AT&T certifies that the information sought to be sealed by this Motion has not, to its knowledge, been published or otherwise made public.

III. Certification of Conference with Opposing Party Pursuant to 37 C.F.R. § 42.54

AT&T and Cox agreed during the Board's conference call hearing of January 5, 2016 to enter the Standard Protective Order. The Board authorized filing of the instant motion to seal during the conference call hearing and in the January 7, 2016 Order.

IV. Conclusion

AT&T and Cox have jointly moved to enter the Standard Protective Order. Per this Motion, AT&T respectfully seeks that the entirety of Exhibit 2031 and portions of Exhibit 2026 and Patent Owner's Motion for Additional Discovery be sealed and prevented from public disclosure.

Respectfully submitted,

Dated: January 12, 2016

/David W. O'Brien/

David W. O'Brien, Registration No. 40,107

UNITED STATES PATENT AND TRADEMARK OFFICE

COX COMMUNICATIONS, INC.

Petitioner

v.

AT&T INTELLECTUAL PROPERTY I, L.P.

Patent Owner

Case IPR2015-01227 (Patent 7,907,714 B2)

CERTIFICATE OF SERVICE

The undersigned certifies, in accordance with 37 C.F.R. § 42.6, that service was made on the Petitioner as detailed below.

Date of service January 12, 2016

Manner of service Federal Express delivery

Documents served Motion to Seal

Persons served Steven M. Bauer
Proskauer Rose LLP
One International Place
Boston, MA 02110
PTABMattersBoston@proskauer.com

/David W. O'Brien/

David W. O'Brien

Registration No. 40,107