

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)<sup>1</sup>  
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**

---

<sup>1</sup> 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, Petitioner Cox Communications, Inc. (“Cox” or “Petitioner”) moves to seal Petitioner’s Opposition to Patent Owners’ 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, the Petitioner’s Opposition to Patent Owners’ Motion for Additional Discovery contains or references information that is confidential and protected from disclosure.

### **A. Cox's Opposition to Patent Owners' Motion for Additional Discovery**

During the conference call hearing held on January 5, 2016 between the parties and the Board, Cox provided notice that certain statements of fact made by AT&T were confidential information. The transcript of that conference and documents that describe and define expectations of confidentiality have already been filed under seal by AT&T as Exhibits 2026 and 2031. Cox's contemporaneously-filed Opposition to Patent Owners' Motion for Additional Discovery discusses the confidential information and references the exhibits already filed under seal. Therefore, Cox moves to seal portions of its Opposition to Patent Owners' Motion for Additional Discovery.

### **II. Certification of Non-Publication**

Cox 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, Cox respectfully seeks that portions of Petitioner's Opposition to Patent Owners' Motion for Additional Discovery be sealed and prevented from public disclosure.

Dated: January 20, 2016

Respectfully submitted,

By: /Steven M. Bauer/  
Steven M. Bauer, Reg. No. 31,481  
Joseph A. Capraro, Jr., Reg. No. 36,471  
Proskauer Rose LLP  
One International Place  
Boston, MA 02110  
Tel: (617) 526-9600  
Fax: (617) 526-9899

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

---

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

---

**CERTIFICATE OF SERVICE UNDER 37 C.F.R. § 42.6(e) AND 42.105(a)**

Dear Sir:

Pursuant to 37 C.F.R. § 42.6(e) and 42.105(a), I hereby certify that on January 20, 2016, I caused a complete copy of the Petitioner's Motion to Seal, to be served on the Patent Owner of the subject *Inter Partes* Reviews at the correspondence address of record as follows:

By EXPRESS MAIL® to:

David W. O'Brien  
HAYNES AND BOONE, LLP  
2323 Victory Avenue, Suite 700  
Dallas, TX 75219

By: /Scott Bertulli/  
Scott Bertulli  
Proskauer Rose LLP  
One International Place  
Boston, MA 02110  
Tel: (617) 526-9600  
Fax: (617) 526-9899  
Attorney for Petitioner, Cox Communications, Inc.