Trials@uspto.gov
571-272-7822

Paper 34
Entered: March 22, 2016

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.[1]

Case IPR2015-01187 (Patent 6,993,353 B2)[2]
Case IPR2015-01227 (Patent 7,907,714 B2)
Case IPR2015-01273 (Patent 6,487,200 B1)
Case IPR2015-01536 (Patent 8,855,147 B2)

Before MICHAEL R. ZECHER, BRIAN P. MURPHY, and SHEILA F. McSHANE, *Administrative Patent Judges*.

McSHANE, *Administrative Patent Judge*.

DECISION
Granting Petitioner's Request To Amend Protective Order
37 C.F.R. §§ 42.5, 42.54

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[1] AT&T Intellectual Proper I, L.P., is the Patent Owner in Case IPR2015-01227, whereas AT&T Intellectual Property II, L.P. is the Patent Owner in Cases IPR2015-01187, IPR2015-01273, and IPR2015-01536.

[2] This Decision addresses similar issues in all the referenced cases, therefore, we issue a single Decision to be filed in each case. The parties are not authorized to use this style of caption in any other filings.

Petitioner, Cox Communications, Inc. (hereafter "Cox" or "Petitioner"), sent a communication to the Board on March 18, 2016, seeking permission to file a Motion to Amend the default Protective Order entered in all the cases. Ex. 2039.[3] Cox represents that the amendment to the Protective Order sought would allow a special confidentiality designation to be applied to the production of certain third party documents that include confidential third party information, such as license agreements and related amendments, where the third parties require that these documents not be shown to employees or in-house counsel of Patent Owners, AT&T Intellectual Property I, L.P. or AT&T Intellectual Property II, L.P. (hereafter "AT&T" or "Patent Owners"). Cox represents that these documents are subject to the same special confidentiality designation in the co-pending Delaware District Court proceeding, and the associated production is part of AT&T's document requests as authorized by Order of the Board. Paper 26.

Cox also represents that AT&T assents to the amendments to the Protective Order and does not oppose the related restrictions on the disclosure of the specific documents. As such, Cox represents that the Motion for which permission is sought would be a Joint Motion to Amend the default Protective Order entered in all of the cases.

In light of the specific circumstances of Cox's request, we exercise our discretion under 37 C.F.R. § 42.5(b) to waive the requirement to file a

[3] Citations are to Case IPR2015-01187 as representative, unless otherwise noted or ordered.

Motion to Amend the Protective Order according to 37 C.F.R. § 42.20(a), and will authorize the filing of a signed Protective Order with the aforementioned amendment. The proposed amendment would limit the application of the special designation to confidential third party documents, such as license agreements and related amendments, where third parties have requested these limitations on disclosure. AT&T has no objections to the proposed amendments and the application of the special designation to the specific documents.

With this, we find that good cause for the amendment to the Protective Order has been demonstrated sufficiently at this juncture. As such, we see no need for the filing of a Motion to further request the same, and we exercise our discretion to waive that requirement in order to more efficiently progress these cases.

ORDER

Accordingly, it is:

ORDERED that the requirement for the filing of a Motion to Amend the default Protective Order is waived;

FURTHER ORDERED that Petitioner's March 18, 2016, request to amend the default Protective Order is *granted*, limited to the scope of the amendment identified above; and

FURTHER ORDERED that the parties shall file a copy of the new Protective Order with the amendment in each case, signed by counsel for both parties, as a uniquely numbered exhibit, within five business days.

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IPR2015-01273 (Patent 6,487,200 B1)
IPR2015-01536 (Patent 8,855,147 B2)

For PETITIONER:

Steven M. Bauer
Joseph A. Capraro, Jr.
Gerald Worth
Scott Bertulli
PROSKAUER ROSE LLP
PTABMattersBoston@proskauer.com
jcapraro@proskauer.com
gworth@proskauer.com
sbertulli@proskauer.com

For PATENT OWNER:

David W. O'Brien
Raghav Bajaj
Jamie McDole
HAYNES AND BOONE, LLP
david.obrien.ipr@haynesboone.com
raghav.bajaj.ipr@haynesboone.com
jamie.mcdole@haynesboone.com