

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ACTIVISION BLIZZARD, INC.,  
ELECTRONIC ARTS INC.,  
TAKE-TWO INTERACTIVE SOFTWARE, INC.,  
2K SPORTS, INC., and  
ROCKSTAR GAMES, INC.,  
Petitioner,

v.

ACCELERATION BAY, LLC,  
Patent Owner.

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Case IPR2016-00747  
Patent 6,732,147

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**JOINT MOTION TO SEAL**

On September 6, 2017, the Board entered an Order regarding Motions to Seal in this proceeding (“Order”). Paper No. 51. In that Order, the Board denied Petitioner’s motion to seal portions of Petitioner’s Reply and Exhibits 1201 and 1207 in their entirety. The Board further ordered the parties to “work together to file a motion to seal,” and if a joint motion to seal is to be filed, “the motion shall be accompanied with non-confidential, redacted versions of Exhibits 1201 and 1207 (with the same exhibit numbers as the currently filed confidential exhibits), along with an updated redacted Petitioner’s Reply (to be numbered by the system).” Paper No. 51 at 4. The Board further instructed the parties to notify the Board by email “[t]o the extent the parties have reconsidered the need to maintain confidentiality as to any of Exhibits 1201 and 1207 and the Petitioner’s Reply.” *Id.* The Order authorized the filing of the present motion to seal. *Id.*

**I. FILINGS THAT DO NOT NEED TO REMAIN UNDER SEAL**

Pursuant to the Board’s Order, the parties have separately sent an email to the Board notifying the Board that the following do not need to remain sealed: (1) Petitioner’s Reply; (2) Exhibit 1207, and (3) The Board’s Final Written Decision.

**II. CERTAIN PORTIONS OF EXHIBIT 1201 SHOULD REMAIN UNDER SEAL**

The parties are submitting a redacted version of Exhibit 1201 that may be made available to the public. Specifically, Patent Owner submits that there is good cause to seal the redacted portions of Exhibit 1201 at Ex. 3, Paragraphs 27 and 41.

The testimony at Paragraph 27 constitutes information regarding the licensing practices of a third party, including licensing terms which the third party has deemed confidential. The testimony at Paragraph 41 contains information regarding the internal research and development efforts of a third party, including internal project codenames and project details which the third party has maintained as confidential information.

Patent Owner submits that sealing of this information is of particular importance because the public disclosure of such “truly sensitive information” would impact Boeing’s competitive position in the market. In particular, information regarding certain Boeing licenses, and the internal research and development efforts and strategies at Boeing, would allow competitors to access information that would significantly harm Boeing’s competitive position in the marketplace. Notwithstanding the foregoing, granting this Motion would not prejudice nor impact this underlying proceeding. The confidential information included in the various redacted portions of Exhibit 1201 were not quoted by either party to the proceeding and were not relied upon by the Board in rendering its Final Written Decision. Under these circumstances, any public interest in accessing the information in the redacted portions of Exhibit 1201 is outweighed by the prejudicial effect and competitive harm of disclosing the above described confidential information of third party, Boeing. Moreover, the redactions to

Exhibit 1201 are limited to no more than necessary to protect confidentiality and do not detract from any material understanding of the public record. Finally, the Board granted Patent Owner's Motion to Seal, which relates to the same information that is the subject of this Motion. Paper No. 51 at 2 – 3.

### III. CONCLUSION

Therefore, the parties respectfully request that their joint motion be granted.

/Michael M. Murray/

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## **CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that a true and correct copy of the foregoing Joint Motion to Seal was served on September 15, 2017, by filing this document through PTAB E2E as well as delivering via electronic mail upon the following counsel of record for Petitioner:

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