

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CANFIELD SCIENTIFIC, INC.,
Petitioner,

v.

MELANOSCAN, LLC,
Patent Owner.

Case IPR: 2017-02125
Patent No. 7,359,748

PETITIONER'S MOTION TO SEAL

I. Introduction

On September 20, 2018, the Parties filed the Default Protective Order as an Agreed Proposed Protective Order in this proceeding. Paper No. 29. On that same day, the deposition of Dr. Rhett Drugge was taken. Patent Owner has designated portions of that deposition transcript as confidential pursuant to the Proposed Protective Order.

Certain of the portions of the deposition transcript that Patent Owner has designated as confidential are referenced in Petitioner's Reply and the Third Declaration of Jan-Peter Muller, Ph.D. filed contemporaneously with this motion to seal.

Pursuant to 37 C.F.R. § 42.14 and 37 C.F.R. 42.54, Petitioner requests permission to seal the following documents:

1. Exhibit 1039 – Deposition Transcript of Dr. Rhett Drugge
2. Exhibit 1036 – Third Declaration of Jan-Peter Muller, Ph.D.
3. Petitioner's Reply.

Petitioner will file redacted versions of each document.

II. Each document contained information identified as Confidential

Exhibit 1039 is the deposition transcript of Dr. Rhett Drugge. Patent Owner has identified portions of the transcript that it contends reflect confidential information relating to Dr. Drugge's commercial body imaging system. Patent

Owner contends that this information is not publicly known and should remain confidential.

Exhibit 1036 is the Third Declaration of Jan-Peter Muller, Ph.D. In this document, Dr. Muller discusses portions of the deposition transcript that are identified as confidential.

Petitioner's Reply discusses portions of the deposition transcript that are identified as confidential.

A party to an inter partes review proceeding may, concurrently with any filing, also file a motion to seal documents. 37 C.F.R. § 42.14. The Board will grant a motion to seal for "good cause." 37 C.F.R. § 42.54; *Garmin Int'l, Inc. v. Cuozzo Speed Technologies, LLC*, IPR2012-00001, Paper 34, p. 3 (March 14, 2013). Because Patent Owner has identified the information set forth above as confidential, Petitioner has good cause to seek to seal the selected exhibits.

III. Conclusion

Petitioner requests the Board grant this motion, permitting the Petitioner to file under seal Exhibits 1036, 1039 and Petitioner's Reply.

Respectfully submitted,

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CERTIFICATE OF FILING AND SERVICE

The undersigned hereby certifies that, pursuant to 37 CFR §§ 42.6(e), copies of the foregoing “MOTION TO SEAL” is being filed via the Patent Trial and Appeal Board’s End to End (PTAB E2D) system and is being served today, October 1, 2018, by electronic mail on counsel for the Patent Owner:

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