

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMCAST CABLE COMMUNICATIONS, LLC,
Petitioner,

v.

PROMPTU SYSTEMS CORP.,
Patent Owner.

Case No. IPR2018-00344
U.S. Pat. No. 7,047,196

PATENT OWNER'S MOTION TO SEAL

Patent Owner identifies documents containing confidential information and explains the good cause for placing them under seal. Filed herewith is an unredacted copy of Exhibits 2022, 2023, and 2031 designated as available to the Parties and Board only. The parties have entered into a modified protective order. Paper No. 17.

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 protecting truly sensitive information.” 77 FED. REG. 48756, 48760 (Aug. 14, 2012). Further, 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).

Patent Owner’s Exhibit 2022 is an agreement between Patent Owner and Petitioner dated May 11, 2005. Petitioner, in the co-pending district court litigation (*Promptu Systems Corp. v. Comcast Corp.*, No. 2:16-cv-6516 (E.D. Pa.)), filed this exhibit under seal and stated that the agreement “contain[s] certain confidential business information, the public disclosure of which could cause Comcast irreparable harm.” *Promptu Systems Corp. v. Comcast Corp.*, No. 2:16-

cv-6516 (E.D. Pa. Feb. 8, 2017), ECF No. 23-1 at 1. Based on Petitioner's

representation that Exhibit 2022 contains certain confidential business information, the public disclosure of which could cause Comcast irreparable harm, good cause exists to seal the document.

Patent Owner's Exhibit 2023 is an agreement between Patent Owner and Petitioner dated May 11, 2005. Petitioner, in the co-pending district court litigation, filed this exhibit under seal and stated that the agreement "contain[s] certain confidential business information, the public disclosure of which could cause Comcast irreparable harm." *Promptu Systems Corp. v. Comcast Corp.*, No. 2:16-cv-6516 (E.D. Pa. Feb. 8, 2017), ECF No. 23-1 at 1. Based on Petitioner's representation that Exhibit 2023 contains certain confidential business information, the public disclosure of which could cause Comcast irreparable harm, good cause exists to seal the document.

Patent Owner's Exhibit 2031 is a document produced by Petitioner in the co-pending district court litigation and contains information that Petitioner has identified as extremely confidential and/or sensitive in nature and disclosure of which to another party or nonparty would create a substantial risk of serious and immediate harm to Petitioner that could not be avoided by less restrictive means. Based on Petitioner's representation that the Exhibit 2031 is extremely confidential information good cause exists to seal the document.

Patent Owner's Exhibits 2001, 2002, 2003, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2019, and 2020 are documents produced by Patent Owner in the co-pending district court litigation and were designated as confidential under the district court's protective order. To serve the public's interest, Patent Owner is not requesting that these documents be filed under seal in this proceeding.

II. CONCLUSION

For the above reasons, Patent Owner requests that Exhibits 2022, 2023, and 2031 be placed under seal.

Date: September 27, 2018

Respectfully submitted,

/Joshua L. Goldberg/

Joshua L. Goldberg

Reg. No. 59,369

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing
PATENT OWNER'S MOTION TO SEAL was served by email on September 27,
2018 on Petitioner's counsel of record at:

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Dated: September 27, 2018

By: /Lisa C. Hines/
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