

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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PERMIAN GLOBAL INC., AND  
MANTICORE FUELS, LLC  
Petitioners

v.

FUEL AUTOMATION STATION, LLC,  
Patent Owner

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Case No. IPR2023-01237  
Patent 9,586,805

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**PETITIONERS' UNOPPOSED MOTION FOR ENTRY OF PROTECTIVE  
ORDER AND UNOPPOSED MOTION TO SEAL PURSUANT TO 37 C.F.R.  
§§ 42.14 & 42.54**

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Petitioners Permian Global Inc. and Manticore Fuels, LLC (“Petitioners”) hereby move for entry of the Stipulated Protective Order appended below as Appendix A and previously filed with the Board, and further move to seal Petitioners’ Exhibit 1050, which is being filed concurrently with this motion. Counsel for Petitioners met and conferred with counsel for Patent Owner Fuel Automation Station, LLC (“Patent Owner”) regarding these motions. Counsel for Patent Owner indicated that it does not oppose Petitioners’ motions.

#### **I. MOTION FOR ENTRY OF A PROTECTIVE ORDER**

The Office Trial Practice Guide states that “protective orders may be issued for good cause by the Board to protect a party from disclosing confidential information.” Office Trial Practice Guide (Nov. 2019) at 20 (citing C.F.R. § 42.54). Petitioners and Patent Owner agreed to the terms of the Stipulated Protective Order as appended below as Appendix A and filed by Patent Owner on July 24, 2024. (*See* Paper 14) The terms of that Stipulated Protective Order follow those of the Office’s default protective order verbatim.

Patent Owner has provided to counsel for Petitioners certain information relating to this proceeding that Patent Owner has represented should be protected according to the terms of the Stipulated Protective Order. Based on Patent Owner’s

representation, Petitioners believe that good cause exists for entry of the Stipulated Protective Order.

For the foregoing reasons, Petitioners respectfully request that the Board grant this unopposed motion for entry of the Stipulated Protective Order.

## **II. MOTION TO SEAL**

The Office Trial Practice Guide states that “a document or thing will be made publicly available, unless a party files a motion to seal that is then granted by the Board.” Office Trial Practice Guide (Nov. 2019) at 19; *see also* 35 U.S.C. §316(a)(7). “The document or thing will be protected on receipt of the motion and remain so, pending the outcome of the decision on motion.” *Id.*

Petitioners move to seal a single exhibit, Exhibit 1050, submitted with their Reply. Exhibit 1050 includes the transcript to the deposition of Patent Owner’s expert, Dr. John Rodgers along with attachments EX4, EX12, and EX14 to that deposition in their entirety. During Dr. Rodgers’ deposition, Patent Owner introduced and marked attachment EX14 to that deposition, which purportedly includes photographs of one of Patent Owner’s commercial systems that allegedly embodies the challenged patent claims. Patent Owner designated attachment EX14 as “PROTECTIVE ORDER MATERIAL”. Petitioners maintain their previously-

stated objections to that attachment EX14, but have included it in Exhibit 1050 for completeness of the record.

No redactions are necessary to the Petitioners' Reply or other supporting exhibits. Importantly, Petitioners' Reply is not redacted and does not cite or rely upon any "PROTECTIVE ORDER MATERIAL" in their Reply. The deposition transcript itself and attachments EX4 and EX12 thereto were not designated as "PROTECTIVE ORDER MATERIAL". Therefore, the transcript and attachments EX4 and EX12 are also being filed as separate, public exhibits to Petitioners' Reply (Exhibits 1049, 1051, and 1052, respectively). Therefore, Petitioner submits that its underlying arguments and evidence remain clearly discernable from the filings and sealing Exhibit 1050 will not compromise the public's ability to fully comprehend Petitioners' arguments. Sealing Exhibit 1050 merely protects information designated by Patent Owner as confidential from public disclosure.

In designating that attachment EX14 as "PROTECTIVE ORDER MATERIAL", Patent Owner has asserted that it includes information properly protected as such under the Stipulated Protective Order. Based on Patent Owner's

representation, Petitioners believe that good cause exists for maintaining Exhibit 1050 under seal.

For the foregoing reasons, Petitioners submit that there is good cause to grant this motion to seal and respectfully request that the Board grant this motion to seal.

### **III. CONCLUSION**

For at least the foregoing reasons, Petitioners request that the Board enter the Stipulated Protective Order, and seal Exhibit 1050 in its entirety.

August 28, 2024  
Date

/Elizabeth D. Flannery/  
Elizabeth D. Flannery  
Reg. No. 59,509  
Attorney for Petitioner

## **CERTIFICATE OF SERVICE**

In accordance with 37 C.F.R. § 42.6(e), the undersigned certifies that on August 28, 2024, a complete and entire copy of the foregoing **PETITIONERS' UNOPPOSED MOTION FOR ENTRY OF PROTECTIVE ORDER AND UNOPPOSED MOTION TO SEAL PURSUANT TO 37 C.F.R. §§ 42.14 & 42.54** was served on Patent Owner via electronic mail at the below addresses:

[Mkoziarz@cgolaw.com](mailto:Mkoziarz@cgolaw.com)

[Aszypa@cgolaw.com](mailto:Aszypa@cgolaw.com)

August 28, 2024  
Date

/Elizabeth D. Flannery/  
Elizabeth D. Flannery  
Reg. No. 59,509  
Attorney for Petitioner

## **APPENDIX A**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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**STIPULATED PROTECTIVE ORDER**

This protective order governs the treatment and filing of confidential information, including documents and testimony.

1. Confidential information shall be clearly marked “PROTECTIVE ORDER MATERIAL.”

2. Access to confidential information is limited to the following individuals who have executed the acknowledgment appended to this order:

- (A) Parties. Persons who are owners of a patent involved in the proceeding and other persons who are named parties to the proceeding.
- (B) Party Representatives. Representatives of record for a party in the proceeding.
- (C) Experts. Retained experts of a party in the proceeding who further certify in the Acknowledgement that they are not a competitor to any party, or a consultant for, or employed by, such a competitor with respect to the subject matter of the proceeding.
- (D) In-house counsel. In-house counsel of a party.
- (E) Support Personnel. Administrative assistants, clerical staff, court reporters and other support personnel of the foregoing persons who are reasonably necessary to assist those persons in the proceeding shall not be required to sign an Acknowledgement, but shall be informed of the

terms and requirements of the Protective Order by the person they are supporting who receives confidential information.

- (F) The Office. Employees and representatives of the United States Patent and Trademark Office who have a need for access to the confidential information shall have such access without the requirement to sign an Acknowledgement. Such employees and representatives shall include the Director, members of the Board and their clerical staff, other support personnel, court reporters, and other persons acting on behalf of the Office.

3. Employees (e.g., corporate officers), consultants, or other persons performing work for a party, other than those persons identified above in (d)(2)(A)–(E), shall be extended access to confidential information only upon agreement of the parties or by order of the Board upon a motion brought by the party seeking to disclose confidential information to that person and after signing the Acknowledgment. The party opposing disclosure to that person shall have the burden of proving that such person should be restricted from access to confidential information.

4. Persons receiving confidential information shall use reasonable efforts to maintain the confidentiality of the information, including:

- (A) Maintaining such information in a secure location to which persons not authorized to receive the information shall not have access;

- (B) Otherwise using reasonable efforts to maintain the confidentiality of the information, which efforts shall be no less rigorous than those the recipient uses to maintain the confidentiality of information not received from the disclosing party;
- (C) Ensuring that support personnel of the recipient who have access to the confidential information understand and abide by the obligation to maintain the confidentiality of information received that is designated as confidential; and
- (D) Limiting the copying of confidential information to a reasonable number of copies needed for conduct of the proceeding and maintaining a record of the locations of such copies.

5. Persons receiving confidential information shall use the following procedures to maintain the confidentiality of the information:

- (A) Documents and Information Filed with the Board.
  - (i) A party may file documents or information with the Board along with a Motion to Seal. The Motion to Seal should provide a non-confidential description of the nature of the confidential information that is under seal, and set forth the reasons why the information is confidential and should not be made available to the public. A party may challenge the confidentiality of the

information by opposing the Motion to Seal. The documents or information shall remain under seal unless the Board determines that some or all of it does not qualify for confidential treatment.

- (ii) Where confidentiality is alleged as to some but not all of the information submitted to the Board, the submitting party shall file confidential and non-confidential versions of its submission, together with a Motion to Seal the confidential version setting forth the reasons why the information redacted from the non-confidential version is confidential and should not be made available to the public. A party may challenge the confidentiality of the information by opposing the Motion to Seal. The non-confidential version of the submission shall clearly indicate the locations of information that has been redacted. The confidential version of the submission shall be filed under seal. The redacted information shall remain under seal unless the Board determines that some or all of the redacted information does not qualify for confidential treatment.

- (B) Documents and Information Exchanged Among the Parties. Documents (including deposition transcripts) and other information designated as confidential that are disclosed to another party during discovery or other

proceedings before the Board shall be clearly marked as “PROTECTIVE ORDER MATERIAL” and shall be produced in a manner that maintains its confidentiality.

6. Within 60 days after the final disposition of this action, including the exhaustion of all appeals and motions, each party receiving confidential information must return, or certify the destruction of, all copies of the confidential information to the producing party.

Dated: July 24, 2024

**BAKER BOTTS L.L.P.**

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**Lead Counsel for Patent Owner**

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**ACKNOWLEDGMENT FOR ACCESS TO  
PROTECTIVE ORDER MATERIAL**

I, \_\_\_\_\_, affirm that I have read the Protective Order; that I will abide by its terms; that I will use the confidential information only in connection with this proceeding and for no other purpose; that I will only allow access to support staff who are reasonably necessary to assist me in this proceeding; that prior to any disclosure to such support staff I informed or will inform them of the requirements of the Protective Order; that I am personally responsible for the requirements of the terms of the Protective Order and I agree to submit to the jurisdiction of the Office and the United States District Court for the Eastern District of Virginia for purposes of enforcing the terms of the Protective Order and providing remedies for its breach.

Dated: \_\_\_\_\_

\_\_\_\_\_  
[Signature]