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Paper 38
Entered: December 4, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PERMIAN GLOBAL INC., and MANTICORE FUELS, LLC,
Petitioner,

v.

FUEL AUTOMATION STATION, LLC,
Patent Owner.

IPR2023-01236 (Patent 10,815,118 B2)
IPR2023-01237 (Patent 9,586,805 B1)
IPR2023-01238 (Patent 10,974,955 B2)[1]

Before CARL M. DEFRANCO, RICHARD H. MARSCHALL, and BRENT M. DOUGAL *Administrative Patent Judges.*

DEFRANCO, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motion for Protective Order
Granting Petitioner's Motion to Seal
37 C.F.R. §§ 42.5, 42.54

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[1] This Order addresses identical issues in each of the above-identified cases. Accordingly, we exercise our discretion to issue one order to be filed in each case. The parties, however, are not authorized to use this style heading in any subsequent papers without prior authorization.

Introduction

In a combined motion, Petitioner moves for entry of a protective order and to seal Exhibit 1050. Paper 26 ("Mot.").[2] Patent Owner does not oppose.

Legal Standard

The standard for granting a motion to seal and entry of a protective order is "for good cause." *See* 37 C.F.R. § 42.54(a). The moving party bears the burden to show entitlement to the requested relief and to establish that the information sought to be sealed is confidential information. *See id.* §§ 42.54(a), 42.20(c). The "good cause" standard for granting a motion to seal reflects the strong public policy for making all information in an *inter partes* review open to the public. *Argentum Pharms. LLC v. Alcon Rsch., Ltd.*, IPR2017-01053, Paper 27, at 3 (PTAB Jan. 19, 2018) (informative). In assessing whether the standard has been met, we may consider whether the information at issue is truly confidential, whether harm would result from public disclosure of the information, and whether the interest in maintaining the information's confidentiality outweighs the strong public interest in an open record. *Id.* at 3–4.

Motion for Entry of Protective Order

Prior to Petitioner's motion, Patent Owner filed a Stipulated Protective Order (Paper 16), the terms of which Petitioner represents "follow those of the Office's default protective order *verbatim*." Mot. 1 (emphasis added); *see also* Office Consolidated Trial Practice Guide (Nov. 2019), App.

[2] Unless otherwise noted, this Order references papers in IPR2023-01236. Similar papers are also of record in IPR2023-01237 and IPR2023-01238, albeit some with different numbers.

B ("Default Protective Order"). At the time Patent Owner filed the default protective order, however, neither party moved for its entry. Hence, apparently, the reason Petitioner now seeks entry of the default protective order filed by Patent Owner, namely, that Petitioner has received "certain information relating to this proceeding that Patent Owner has represented should be protected according to the terms of the stipulated protective order." Mot. 1.

Based on the above representations, we find that good cause exists for entry of a protective order. Thus, we grant Petitioner's motion for protective order and enter the Stipulated Protective Order as filed (Paper 16).

Motion to Seal

Petitioner moves to seal Exhibit 1050 as submitted with its Reply (Paper 27). *See* Mot. 2. Exhibit 1050 is a deposition transcript that includes, as an attachment, photographs marked as "Protective Order Material" and purporting to depict Patent Owner's commercial embodiment of the claimed invention. *See id.*; *see also* Ex. 1050, at 265 ("Exhibit 14"). According to Petitioner, "Patent Owner has asserted that [the attachment to the transcript] includes information properly protected as such under the Stipulated Protective Order." *Id.* at 3. Petitioner also represents that, otherwise, the deposition transcript and associated attachments do not include protective order material and are "being filed as separate, public exhibits to Petitioners' Reply (Exhibits 1049, 1051, and 1052, respectively)" so as to "remain clearly discernable from the filing and sealing of Exhibit 1050." *Id.*

Based on the above representations, we find that good cause exists for sealing Exhibit 1050. Thus, we grant Petitioner's motion to seal.

Order

Accordingly, it is

ORDERED that Petitioner's unopposed motion (Paper 26) for entry of a protective order and to seal Exhibit 1050 is *granted*; and

FURTHER ORDERED that the Stipulated Protective Order (Paper 16) is *entered*.

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