

Filed on behalf of the Petitioner

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PERSEPHONE, GMBH
U.S. Application No. 15/368,221
Petitioner

v.

SIMON TECHNOLOGIES LLC
U.S. Application No. 14/726,075
Respondent

Case DER2017-00004

PETITIONER'S MOTION TO SEAL

Pursuant to 37 C.F.R. § 42.54, Petitioner respectfully moves to seal certain confidential information submitted in this derivation proceeding. In support of this motion, Petitioner states as follows:

1. Introduction

1.1 Petitioner seeks to protect confidential technical information and proprietary data included in the documents and testimony submitted in this proceeding.

2. Legal Standard

2.1 Under 37 C.F.R. § 42.54, the Board may, for good cause, issue an order to protect a party or person from disclosing confidential information.

3. Confidential Information to be Sealed

3.1 The following documents, as referenced in Petitioner's concurrently filed Updated Exhibit List, contain confidential information and should be sealed:

- Exhibit 1003
- Exhibit 1004
- Exhibit 1005
- Exhibit 1006
- Exhibit 1007
- Exhibit 1008
- Exhibit 1009
- Exhibit 1023

4. Justification for Sealing

4.1 The information contained in the above exhibits is highly sensitive and proprietary. Public disclosure of this information would cause significant competitive harm to Petitioner.

4.2 The confidential information includes proprietary technical specifications and internal R&D communications that are not publicly available and are closely guarded within Petitioner's organization.

5. Proposed Protective Order

5.1 Petitioner has concurrently filed a proposed protective order to govern the handling of confidential information in this proceeding.

6. Conclusion

6.1 For the foregoing reasons, Petitioner respectfully requests that the Board grant this Motion to Seal and protect the confidential information from public disclosure.

Dated: October 11, 2024

Respectfully submitted,

PERSEPHONE, GMBH

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CERTIFICATE OF SERVICE UNDER 37 C.F.R. § 42.6 (e)(4)

The undersigned hereby certify that a copy of the foregoing PETITIONER'S UPDATED EXHIBIT LIST document is being served via electronic mail, as previously consented to by Respondent, on October 11, 2024:

Neil G. Ferrari	nferrari@munckwilson.com
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Dated: October 11, 2024

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