

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NEARMAP US, INC.,
Petitioner,

v.

EAGLE VIEW TECHNOLOGIES, INC.,
Patent Owner.

IPR2022-00734

Patent 9,135,737

PATENT OWNER'S MOTION TO SEAL UNDER 37 C.F.R. § 42.54

Statement under 37 C.F.R. § 42.22(a)(1) of Relief Requested

Pursuant to 37 C.F.R. § 42.54, Patent Owner Eagle View Technologies, Inc. (“Eagle View Technologies”) hereby requests that the Default Protective Order attached as Appendix A be entered in this case and moves to seal Exhibits 2007, 2010, 2012-2015, 2030, 2031, and 2040, which include Eagle View Technologies’ confidential information, and portions of the Patent Owner Response that refer to the confidential information pursuant to the Default Protective Order as Protective Order Material. These documents will be filed under seal in unredacted form, and where applicable, a redacted version will be filed as well.

Full Statement under 37 C.F.R. § 42.22(a)(2) of Reasons for Relief Requested

Eagle View Technologies requests that Exhibits 2007, 2010, 2012, 2013, 2014, 2015, 2030, 2031, 2032, and 2040 and related portions of the Patent Owner Response be sealed because good cause exists for sealing the confidential information contained therein.

Initially, it is noted that Exhibits 2007, 2010, 2012-2015, 2030, and 2031 are the same as Exhibits 2007, 2010, 2012-2015, 2030, and 2031 in prior IPR2016-00592 (“the Xactware IPR”), which involved U.S. Patent No. 9,135,737, the patent at issue in this IPR proceeding. Exhibit 2040 is the sealed version of the Patent Owner Response filed in the Xactware IPR. The Board previously sealed Exhibits 2007, 2010, 2012-2015, 2030, and 2031, as well as the unredacted version of

Patent Owner's Response in the Xactware IPR. See IPR2016-00592, Paper 33

(Nov. 23, 2016) (granting motion to seal).

Exhibit 2032 and Patent Owner's Response in this IPR proceeding contain the same confidential information that was sealed in the Xactware IPR.

I. Good Cause Exists for Sealing Certain Confidential Information

The Consolidated Trial Practice Guide (November 2019) (CTPG) 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.” CTPG, 19. Eagle View Technologies submits that this Motion to Seal protects Eagle View Technologies’ sensitive information while not significantly impacting the public’s interest in maintaining a complete and understandable record of this proceeding.

Eagle View Technologies requests that the Default Protective Order attached as Appendix A be entered in this proceeding to protect the sensitive confidential information contained in the Exhibits discussed below. Patent Owner and Petitioner agreed to enter and be bound by the Default Protective Order in the Consolidated Trial Practice Guide. Acknowledgement forms signed by Patent Owner and Petitioner’s respective counsel are submitted with this Motion.

Exhibit 2007 is an internal Eagle View Technologies’ reference manual describing the capabilities and functionality of Eagle View Technologies’

proprietary software, including numerous screenshots showing how the software is structured and explanations of the software's features and operations. This document contains highly sensitive and proprietary business information. This information is not available to the public and companies routinely protect internal documentation relating to proprietary software like Exhibit 2007 from disclosure to competitors and potential competitors. Safeguarding this competitively sensitive confidential information allows companies to prevent their knowledge and processes from being incorporated into a competitor's products and allows companies to license their software to others without losing a competitive advantage. Disclosure of the information in this exhibit is highly likely to cause significant harm to Eagle View Technologies if publicly released, as it would allow others to use Eagle View Technologies' knowledge and processes and hinder its ability to license its software to others. Eagle View Technologies is relying on this exhibit for its argument relating to the objective indicia of nonobviousness. This Exhibit has been designated as "Protective Order Material" under the Default Protective Order attached as Appendix A. This document is being filed entirely under seal.

Exhibit 2010 is an internal Eagle View Technologies' email describing the results of a proprietary customer survey and showing raw comments from Eagle View Technologies' customers, including the customers' views on a several

different parts of Eagle View Technologies' business and products. The document contains highly sensitive and proprietary business information and discloses the identity of at least one customer. This information is not available to the public. Disclosure of this competitively sensitive confidential information would provide competitors an unearned competitive advantage by allowing an inside peek into how customers of Eagle View Technologies view its products and how best a competitor could target these customers. Additionally, disclosure of Eagle View Technologies' customers' opinions to the public may cause those customers to be less likely to share their opinions with the company in the future. Either situation would cause significant harm to Eagle View Technologies. Eagle View Technologies is relying on this exhibit for its argument relating to the objective indicia of nonobviousness. This Exhibit has been designated as "Protective Order Material" under the Default Protective Order attached as Appendix A. This document is being filed entirely under seal.

Exhibit 2012 is a financial business record from Eagle View Technologies that contains highly sensitive information regarding Eagle View Technologies' sales data, customer data, and revenue data for the years 2009 through 2012. These financial records provide detailed revenue information which is not available to the public and is highly likely to cause significant harm to Eagle View Technologies if publicly released. Disclosure of this competitively sensitive

confidential information would provide competitors an unearned competitive advantage by allowing an inside peek into Eagle View Technologies' financial data including information regarding its customers, product revenue, and sales volume. Eagle View Technologies is relying on this exhibit for its argument relating to the objective indicia of nonobviousness. Eagle View Technologies is relying on this exhibit for its argument relating to the objective indicia of nonobviousness. This Exhibit has been designated as "Protective Order Material" under the Default Protective Order attached as Appendix A. This document is being filed entirely under seal.

Exhibit 2013 is a financial business record from Eagle View Technologies. The document contains highly sensitive information regarding Eagle View Technologies' sales data, customer data, and revenue data for 2013. These financial records provide detailed revenue information which is not available to the public and is highly likely to cause significant harm to Eagle View Technologies if publicly released. Disclosure of this competitively sensitive confidential information would provide competitors an unearned competitive advantage by allowing an inside peek into Eagle View Technologies' financial data including information regarding its customers, product revenue, and sales volume. Eagle View Technologies is relying on this exhibit for its argument relating to the objective indicia of nonobviousness. Eagle View Technologies is

relying on this exhibit for its argument relating to the objective indicia of nonobviousness. This Exhibit has been designated as “Protective Order Material” under the Default Protective Order attached as Appendix A. This document is being filed entirely under seal.

Exhibit 2014 is a financial business record from Eagle View Technologies. The document contains highly sensitive information regarding Eagle View Technologies’ sales data, customer data, and revenue data for 2014. These financial records provide detailed revenue information which is not available to the public and is highly likely to cause significant harm to Eagle View Technologies if publicly released. Disclosure of this competitively sensitive confidential information would provide competitors an unearned competitive advantage by allowing an inside peek into Eagle View Technologies’ financial data including information regarding its customers, product revenue, and sales volume. Eagle View Technologies is relying on this exhibit for its argument relating to the objective indicia of nonobviousness. This Exhibit has been designated as “Protective Order Material” under the Default Protective Order attached as Appendix A. This document is being filed entirely under seal.

Exhibit 2015 is a financial business record from Eagle View Technologies. The document contains highly sensitive information regarding Eagle View Technologies’ sales data, customer data, and revenue data for 2015. These financial

records provide detailed revenue information which is not available to the public and is highly likely to cause significant harm to Eagle View Technologies if publicly released. Disclosure of this competitively sensitive confidential information would provide competitors an unearned competitive advantage by allowing an inside peek into Eagle View Technologies' financial data including information regarding its customers, product revenue, and sales volume. Eagle View Technologies is relying on this exhibit for its argument relating to the objective indicia of nonobviousness. This Exhibit has been designated as "Protective Order Material" under the Default Protective Order attached as Appendix A. This document is being filed entirely under seal.

Exhibit 2030 is an internal Eagle View Technologies' reference manual describing the capabilities and functionality of Eagle View Technologies' proprietary software, including numerous screenshots showing how the software is structured and explanations of the software's features and operations. This document contains highly sensitive and proprietary business information. This information is not available to the public and companies routinely protect internal documentation relating to proprietary software like Exhibit 2030 from disclosure to competitors. Safeguarding this competitively sensitive confidential information allows companies to prevent their knowledge and processes from being incorporated into a competitor's products and allows companies to license their

software to others without losing a competitive advantage. Disclosure of the information in this exhibit is highly likely to cause significant harm to Eagle View Technologies if publicly released, as it would allow others to use Eagle View Technologies' knowledge and processes and hinder its ability to license its software to others. Eagle View Technologies is relying on this exhibit for its argument relating to the objective indicia of nonobviousness. This Exhibit has been designated as "Protective Order Material" under the Default Protective Order attached as Appendix A. This document is being filed entirely under seal.

Exhibit 2031 is Dr. Chandrajit L. Bajaj's declaration from the Xactware IPR. Sections of this declaration provide highly sensitive information regarding how Eagle View Technologies' internal proprietary software works including screenshots from the software and excerpts from confidential internal product documents which describe how the software is structured and explains the software's features and operations. This information is not available to the public and companies routinely protect internal information relating to proprietary software from disclosure to competitors and potential competitors. Safeguarding this competitively sensitive confidential information allows companies to prevent their knowledge and processes from being incorporated into a competitor's products and allows companies to license their software to others without losing a competitive advantage. Disclosure of the information in this exhibit is highly

likely to cause significant harm to Eagle View Technologies if publicly released, as it would allow others to use Eagle View Technologies' knowledge and processes and hinder its ability to license its software to others. Eagle View Technologies is relying on this exhibit for its argument relating to the objective indicia of nonobviousness. This Exhibit has been designated as "Protective Order Material" under the Default Protective Order attached as Appendix A. A redacted version of this exhibit will be filed as Exhibit 2008 in this IPR proceeding, and the unredacted version will be filed as Exhibit 2031 in this IPR proceeding.

Exhibit 2032 is Dr. Chandrajit L. Bajaj's declaration in this IPR proceeding. Sections of this declaration provide highly sensitive information regarding how Eagle View Technologies' internal proprietary software works including screenshots from the software and excerpts from confidential internal product documents which describe how the software is structured and explains the software's features and operations. This information is not available to the public and companies routinely protect internal information relating to proprietary software from disclosure to competitors and potential competitors. Safeguarding this competitively sensitive confidential information allows companies to prevent their knowledge and processes from being incorporated into a competitor's products and allows companies to license their software to others without losing a competitive advantage. Disclosure of the information in

this exhibit is highly likely to cause significant harm to Eagle View Technologies if publicly released, as it would allow others to use Eagle View Technologies' knowledge and processes and hinder its ability to license its software to others. Eagle View Technologies is relying on this exhibit for its argument relating to the objective indicia of nonobviousness. This Exhibit has been designated as "Protective Order Material" under the Default Protective Order attached as Appendix A. A redacted version of this exhibit will be filed as Exhibit 2005 in this IPR proceeding, and the unredacted version will be filed as Exhibit 2032 in this IPR proceeding.

Eagle View Technologies' Patent Owner Response, filed concurrently herewith, discusses the exhibits listed above. In doing so, it may reveal the confidential information found therein. A redacted and unredacted version of this document will be filed.

Because the documents described above contain confidential information, Eagle View Technologies has a compelling interest to protect the confidentiality of these documents.

II. Certification of Conference with Opposing Party Pursuant to 37 C.F.R. § 42.54

Eagle View Technologies certifies that it has conferred with counsel of record for Petitioner Nearmap US, Inc. regarding the entering of the Default Protective Order. Counsel for Eagle View Technologies and counsel for Nearmap

US, Inc. have agreed to entry of the Default Protective Order, filed as Appendix

A.

III. Conclusion

In accordance with the above, Eagle View Technologies submits that it has complied with the formal requirements of a Motion to Seal and has provided sufficient basis to justify entering the Default Protective Order attached as Appendix A and placing Exhibits 2007, 2010, 2012, 2013, 2014, 2015, 2030, 2031, 2032, and 2040 and related portions of the Patent Owner Response under seal pursuant to the Default Protective Order.

Therefore, Eagle View Technologies requests that the Board grant this Motion.

Dated: February 14, 2023

Respectfully submitted,

/Kyle L. Howard/
Kyle L. Howard
Reg. No. 67,568
Gregory Webb
Reg. No. 59,589
Jonathan R. Bowser
Reg. No. 54,574
Haynes and Boone, LLP
2323 Victory Avenue, Suite 700
Dallas, TX 75219
Counsel for Patent Owner

CERTIFICATE OF SERVICE

The undersigned certifies, under 37 C.F.R. §§ 42.105 and 42.6, that service was made on Petitioner's counsel as detailed below.

<i>Date of service</i>	February 14, 2023
<i>Manner of service</i>	Electronic Service: IPR53317-0003IP1@fr.com; PTABInbound@fr.com; axf-ptab@fr.com; tar@fr.com, dsmith@fr.com; klima@fr.com; darno@fr.com
<i>Documents served</i>	Motion to Seal
<i>Persons served</i>	W. Karl Renner Thomas Rozylowicz Daniel D. Smith W. Ryan Klima Patrick Darno Fish & Richardson 3200 RBC Plaza 60 South Sixth Street Minneapolis, MN 55402

/Kyle L. Howard/
Kyle L. Howard
Reg. No. 67,568
Gregory Webb
Reg. No. 59,589
Jonathan R. Bowser
Reg. No. 54,574
Haynes and Boone, LLP
2323 Victory Avenue, Suite 700
Dallas, TX 75219
Counsel for Patent Owner

APPENDIX A

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NEARMAP US, INC.,
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v.

EAGLE VIEW TECHNOLOGIES, INC.,
Patent Owner.

IPR2022-00734

Patent 9,135,737

DEFAULT 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 in-house counsel and in-house counsel's support staff, who sign the Acknowledgement 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. 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 submission shall be treated as confidential and remain under seal, unless the Board determines that the documents or information do not to qualify for confidential treatment. The information shall remain under seal unless the Board determines that some or all of the information 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.

NEARMAP US, INC.

By: _____

W. Karl Renner (Reg. No. 41,265)
Thomas Rozylowicz (Reg. No. 50,620)
Daniel D. Smith (Reg. No. 71,278)
W. Ryan Klima (Reg. No. 79,647)
Patrick Darno (Reg. No. 69,205)

EAGLE VIEW TECHNOLOGIES, INC.

By: _____

Kyle Howard (Reg. No. 67,568)
Gregory Webb (Reg. No. 67,568)
Jonathan R. Bowser (Reg. No. 54,574)

EXHIBIT A

**NEARMAP US INC. v. EAGLE VIEW TECHNOLOGIES, INC.
IPR2022-00734
Patent 9,135,737**

Standard 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 sI 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.

Executed on _____, 2023.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NEARMAP US, INC.,
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(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 in-house counsel and in-house counsel's support staff, who sign the Acknowledgement 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. 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 submission shall be treated as confidential and remain under seal, unless the Board determines that the documents or information do not to qualify for confidential treatment. The information shall remain under seal unless the Board determines that some or all of the information 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.

NEARMAP US, INC.

By: _____

W. Karl Renner (Reg. No. 41,265)
Thomas Rozylowicz (Reg. No. 50,620)
Daniel D. Smith (Reg. No. 71,278)
W. Ryan Klima (Reg. No. 79,647)
Patrick Darno (Reg. No. 69,205)

EAGLE VIEW TECHNOLOGIES, INC.

By: / Gregory P. Webb / _____

Kyle Howard (Reg. No. 67,568)
Gregory Webb (Reg. No. 67,568)
Jonathan R. Bowser (Reg. No. 54,574)

EXHIBIT A

**NEARMAP US INC. v. EAGLE VIEW TECHNOLOGIES, INC.
IPR2022-00734
Patent 9,135,737**

Standard Acknowledgment for Access to Protective Order Material

I, Gregory P. Webb, 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.

Executed on February 14, 2023.

/ Gregory P. Webb /

EXHIBIT A

**NEARMAP US INC. v. EAGLE VIEW TECHNOLOGIES, INC.
IPR2022-00734
Patent 9,135,737**

Standard Acknowledgment for Access to Protective Order Material

I, Kyle Howard, 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.

Executed on February 14, 2023.

/ Kyle Howard /

EXHIBIT A

**NEARMAP US INC. v. EAGLE VIEW TECHNOLOGIES, INC.
IPR2022-00734
Patent 9,135,737**

Standard Acknowledgment for Access to Protective Order Material

I, Jonathan R. Bowser, 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.

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(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.

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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.

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

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(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.

NEARMAP US, INC.

By: /Thomas A. Rozylowicz/

W. Karl Renner (Reg. No. 41,265)
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EAGLE VIEW TECHNOLOGIES, INC.

By: _____

Kyle Howard (Reg. No. 67,568)
Gregory Webb (Reg. No. 67,568)
Jonathan R. Bowser (Reg. No. 54,574)

EXHIBIT A

**NEARMAP US INC. v. EAGLE VIEW TECHNOLOGIES, INC.
IPR2022-00734
Patent 9,135,737**

Standard Acknowledgment for Access to Protective Order Material

I, Thomas A. Rozylowicz, 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.

Executed on February 14, 2023.

/Thomas A. Rozylowicz/

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NEARMAP US, INC.,
Petitioner,

v.

EAGLE VIEW TECHNOLOGIES, INC.,
Patent Owner.

IPR2022-00734

Patent 9,135,737

DEFAULT 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 in-house counsel and in-house counsel's support staff, who sign the Acknowledgement 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. 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 submission shall be treated as confidential and remain under seal, unless the Board determines that the documents or information do not to qualify for confidential treatment. The information shall remain under seal unless the Board determines that some or all of the information 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.

NEARMAP US, INC.

By: /Dan Smith/

W. Karl Renner (Reg. No. 41,265)
Thomas Rozylowicz (Reg. No. 50,620)
Daniel D. Smith (Reg. No. 71,278)
W. Ryan Klima (Reg. No. 79,647)
Patrick Darno (Reg. No. 69,205)

EAGLE VIEW TECHNOLOGIES, INC.

By: _____

Kyle Howard (Reg. No. 67,568)
Gregory Webb (Reg. No. 67,568)
Jonathan R. Bowser (Reg. No. 54,574)

EXHIBIT A

**NEARMAP US INC. v. EAGLE VIEW TECHNOLOGIES, INC.
IPR2022-00734
Patent 9,135,737**

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I, Dan Smith , 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.

Executed on February 14 , 2023.

 /Dan Smith/

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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(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 in-house counsel and in-house counsel's support staff, who sign the Acknowledgement 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. 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.

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(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.

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NEARMAP US, INC.

By: /Patrick Darno/

W. Karl Renner (Reg. No. 41,265)
Thomas Rozylowicz (Reg. No. 50,620)
Daniel D. Smith (Reg. No. 71,278)
W. Ryan Klima (Reg. No. 79,647)
Patrick Darno (Reg. No. 69,205)

EAGLE VIEW TECHNOLOGIES, INC.

By: _____

Kyle Howard (Reg. No. 67,568)
Gregory Webb (Reg. No. 67,568)
Jonathan R. Bowser (Reg. No. 54,574)

EXHIBIT A

**NEARMAP US INC. v. EAGLE VIEW TECHNOLOGIES, INC.
IPR2022-00734
Patent 9,135,737**

Standard Acknowledgment for Access to Protective Order Material

I, Patrick Darno, 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.

Executed on February 14, 2023.

/Patrick Darno/