UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NEARMAP US, INC.,
Petitioner,

v.

EAGLE VIEW TECHNOLOGIES, INC.,
Patent Owner.

Case IPR2022-00734
Patent 9,135,737

PETITIONER'S MOTION TO SEAL

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Petitioner respectfully submits this Motion to Seal portions of Petitioner's Reply Brief and Exhibits 1044, 1045, and 1054. Petitioner's Reply contains information which Patent Owner has alleged to be "Confidential" subject to the Protective Order previously stipulated in this proceeding.

I. REASONS FOR THE REQUESTED RELIEF AND STATEMENT OF FACTS.

A. Good Cause Exists for Sealing 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. Portions of Petitioner's Reply refers to Exhibits 1044, 1045, and 1054, that contain information alleged by Patent Owner to be Patent Owner's confidential information subject to the Protective Order.

1) Declaration of Dr. Bajaj, Exhibit 2032 (confidential version) and Deposition Transcript of Dr. Bajaj, NEARMAP-1044. Patent Owner previously described its basis for sealing the declaration of Dr. Bajaj in its Motion to Seal, and the deposition transcript includes portions related to the content of the sealed declaration:

> 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.

2) Exhibits 2012-2015 (confidential versions) and Deposition Transcript of Chris Johnson, NEARMAP-1045. Patent Owner previously described its basis for sealing Exhibits 2012-2015 in its Motion to Seal, and the deposition transcript includes portions related to the content of the sealed declaration. IPR2022-00734, Paper 14 (Feb. 14, 2023). For example, regarding Exhibit 2012, Patent Owner indicated:

> 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.

3) Internal EagleView Email, Exhibit 2010 (confidential version), and Deposition Transcript of Zac Long, NEARMAP-1054. Patent Owner previously described its basis for sealing Exhibits 2010 in its Motion to Seal, and the deposition transcript includes portions related to the content of the sealed exhibit:

> 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.

II. CERTIFICATION OF NONPUBLICATION

Petitioner certifies that the information sought to be sealed has not, to their knowledge, been published or otherwise made public.

III. CONCLUSION

For the above reasons, Petitioner respectfully requests that the Board grant its motion to seal portions of its Petitioner's Reply and Exhibits 1044, 1045, and 1054, pursuant to the stipulated Protective Order submitted by Patent Owner.

Respectfully submitted,

Date: 05/16/2023

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Proceeding No. IPR2022-00734
Attorney Docket No. 53317-0003IP1

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

The undersigned hereby certifies that on May 16, 2023 the above-captioned Petitioner's Motion to Seal was served in its entirety via electronic mail upon the following counsel of record for the Patent Owner:

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