

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 THIRD MOTION TO SEAL

UNDER 37 C.F.R. § 42.54

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

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Patent Owner Eagle View Technologies, Inc. ("Patent Owner") hereby requests that a portion of Patent Owner's Demonstratives be sealed because it identifies Patent Owner's highly confidential and sensitive revenue data on slide 31 of the Demonstratives.

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

Patent Owner previously filed a first Motion to Seal (Paper 14) with its Patent Owner Response (Paper 16), and a Second Motion to Seal (Paper 31) with its Sur-reply (Paper 33). In its first Motion to Seal, Patent Owner moved to seal Exhibits 2007, 2010, 2012, 2013, 2014, 2015, 2030, 2031, 2032, and 2040 and related portions of the Patent Owner Response because good cause exists for sealing the confidential information contained therein. In its Second Motion to Seal, Patent Owner moved to seal Patent Owner's confidential revenue data from Exhibits 2012, 2013, 2014, and 2015.

Counsel for Patent Owner and Counsel for Petitioner Nearmap US, Inc. agreed to enter into the Default Protective Order, which was attached as Appendix A to Patent Owner's first Motion to Seal (Paper 14). Petitioner did not oppose Patent Owner's first Motion to Seal or Patent Owner's Second Motion to Seal.

Slide 31 of Patent Owner's Demonstratives identifies highly confidential

and sensitive revenue information of Patent Owner. Specifically, slide 31 of Patent Owner's Demonstratives identifies Patent Owner's confidential revenue data from Exhibits 2012, 2013, 2014, and 2015. In the first Motion to Seal (Paper 14), Patent Owner moved to seal Exhibits 2012, 2013, 2014, and 2015 in their entirety because these exhibits are each Patent Owner's financial business records that contain highly sensitive information regarding Patent Owner's sales data, customer data, and revenue data for the years 2009 to 2015. *See* first Motion to Seal (Paper 14), at 5-8. Similarly, in its Second Motion to Seal, Patent Owner moved to seal Patent Owner's confidential revenue data from Exhibits 2012, 2013, 2014, and 2015, as presented in Patent Owner's Sur-reply (Paper 33). Slide 31 of Patent Owner's Demonstratives contains the same confidential revenue data from Exhibits 2012, 2013, 2014, and 2015, as presented in Patent Owner's Sur-reply.

Exhibits 2012 to 2015 were each designated as "Protective Order Material" under the Default Protective Order attached as Appendix A to Patent Owner's first Motion to Seal. Exhibits 2012 to 2015 were each filed entirely under seal.

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

Patent Owner certifies that it conferred with counsel of record for Petitioner Nearmap US, Inc. regarding the entering of the Default Protective Order. As indicated in Section II above, counsel for Patent Owner and counsel for Petitioner agreed to entry of the Default Protective Order, filed as Appendix A with Patent

Owner's first Motion to Seal (Paper 14).

IV. Conclusion

In accordance with the above, Patent Owner submits that it has complied with the formal requirements of a Motion to Seal and has provided sufficient basis to placing slide 31 of Patent Owner's Demonstratives identifying Patent Owner's highly confidential and sensitive financial records under seal pursuant to the Default Protective Order.

Therefore, Patent Owner requests that the Board grant this Motion.

Dated: August 1, 2023

Respectfully submitted,

/ Kyle L. Howard /
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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>	August 1, 2023
<i>Manner of service</i>	Electronic Service: IPR53317-0003IP1@fr.com
<i>Documents served</i>	Patent Owner's Third Motion to Seal
<i>Persons served</i>	W. Karl Renner Thomas Rozylowicz Daniel D. Smith Patrick Darno Patrick Bisenius Craig A. Deutsch Yao Wang Fish & Richardson P.C. Suite 3200 60 South Sixth Street Minneapolis, MN 55402

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