

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZF NORTH AMERICA, INC. and ZF ACTIVE SAFETY US INC.,
Petitioner,

v.

STONERIDGE CONTROL DEVICES, INC.,
Patent Owner.

IPR2023-00273
Patent 7,021,415 B2

Before SCOTT C. MOORE, BARRY L. GROSSMAN, and
GEORGE R. HOSKINS, *Administrative Patent Judges*.

MOORE, *Administrative Patent Judge*.

ORDER
Conduct of Proceeding
Denying Without Prejudice Motion to Seal
37 C.F.R. §§ 42.5, 42.54

Patent Owner filed a Motion to Seal Exhibit 2012. Paper 13. In the Motion, Patent Owner represents that the parties have agreed to use the Board's default protective order. *Id.* at 1. Patent Owner also also represents that Exhibit 2012, a 37-page presentation dated February 21, 2003, is confidential because:

[E]ach page (except the cover page) contains a confidentiality notice stating, "[t]he information appearing in this document is the property of Stoneridge Corporation and is disclosed in confidence. It is not to be copied, reproduced, revealed to or appropriated by others, either in whole or in part, without the expressed written consent of Stoneridge."

Id. Patent Owner further represents that "Ex. 2012 contains commercially sensitive information, including internal designs, proposals, and test results of Patent Owner (and/or its affiliates)." *Id.*

Patent Owner filed a public, redacted version of Exhibit 2012, but this version does not reveal any content from the presentation. Instead of attempting to differentiate between confidential and non-confidential content, Patent Owner simply redacted all the entire presentation, except for the cover page.

We acknowledge that Exhibit 2012 contains confidentiality markings, but the mere inclusion of confidentiality markings on a technical presentation dated more than 20 years ago does not demonstrate that the entire substance of the document, or any portion thereof, remains confidential today. Accordingly, Patent Owner has failed to set forth good cause to seal Exhibit 2012 in its entirety. Regarding the allegedly "commercially sensitive information, including internal designs, proposals, and test results," Patent Owner has not provided any evidence that this information has been maintained in confidence for the past 20 years, or that

releasing this material today would cause harm to Patent Owner.

Accordingly, Patent Owner has failed to set forth good cause to seal this subset of of Exhibit 2012. For these reasons, Patent Owner's Motion to Seal Exhibit 2012 is denied without prejudice.

If Patent Owner continues to believe that Exhibit 2012 should be sealed, it should proceed as follows. *First*, Patent Owner should determine which specific portions of Exhibit 2012 are confidential and competitively sensitive. Patent Owner should then meet and confer with Petitioner and determine whether Petitioner opposes sealing those portions of Exhibit 2012. *Second*, Patent Owner should file a motion to seal that identifies the specific portions of Exhibit 2012 that should be sealed, accompanied by evidence (such as a declaration from someone with personal knowledge of the confidential nature of these portions) that demonstrates good cause for sealing such portions of the exhibit. The motion should also state whether Petitioner opposes any or all of the relief that Patent Owner seeks, and should be filed within two weeks of entry of this Order. *Third*, Patent Owner should file a new, redacted, public version of Exhibit 2012. In preparing this redacted version, Patent Owner should keep in mind the following instructions from our Scheduling Order (Paper 10):

The Board has a strong interest in the public availability of trial proceedings. Redactions to documents filed in this proceeding should be limited to the minimum amount necessary to protect confidential information, and the thrust of the underlying argument or evidence must be clearly discernible from the redacted versions.

Paper 10, 3.

If Patent Owner no longer believes that Exhibit 2012 should be sealed, Patent Owner should so inform the Board within two weeks of entry of this Order, and Exhibit 2012 will then be unsealed.

For the foregoing reasons, it is:

ORDERED that Patent Owner's Motion to Seal Exhibit 2012 is *denied without prejudice*; and

FURTHER ORDERED that within two weeks of entry of this Order, and in accordance with the specific instructions set forth above, Patent Owner shall either file a new motion to seal Exhibit 2012 or inform the Board that Exhibit 2012 may be unsealed.

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