

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS, LLC,
Petitioner,

v.

DYNAPASS IP HOLDINGS LLC,
Patent Owner.

IPR2023-00425
Patent 6,993,658 B1

Before KEVIN F. TURNER, KRISTEN L. DROESCH, and
LYNNE H. BROWNE, *Administrative Patent Judges*.

BROWNE, *Administrative Patent Judge*.

ORDER

Granting Petitioner's Request
For Entry of Modified Protective Order
37 C.F.R. §§ 42.14, 42.54

I. INTRODUCTION

On January 6, 2023, Petitioner filed a request for *inter partes* review of U.S. Patent No. 6,993,658. Paper 1 (“Petition” or “Pet.”). With our prior authorization, Petitioner filed the instant Motion for Entry of a Modified Protective Order. Paper 6 (“Motion” or “Mot.”); *see also* Ex. 3001. Petitioner indicates that Patent Owner does not oppose this motion. Mot. 1.

II. ANALYSIS

Our rules provide for entry of a protective order when necessary to protect confidential information filed in a proceeding. See 37 C.F.R. §§ 42.14, 42.54.

The Board may, for good cause, issue an order to protect a party or person from disclosing confidential information. 37 C.F.R. § 42.54(a). A protective order is not entered by default but must be proposed by one or more parties and must be approved and entered by the Board. Patent Trial and Appeal Board Consolidated Trial Practice Guide 19–20, 107 (Nov. 2019), available at <http://www.uspto.gov/TrialPracticeGuideConsolidated> (“Trial Practice Guide”). The Trial Practice Guide sets forth specific guidelines on proposing a protective order and provides a Default Protective Order. *See* Trial Practice Guide 19–20, 107– 22. The parties may propose modifications to the Default Protective Order, and the Board will generally accept such proposed changes if they are consistent with the integrity and efficient administration of the proceedings. *Id.* at 115. For example, the parties may agree to provide additional tiers or categories of confidential information, such as “Attorneys’ Eyes Only”; the Board will presumptively accept agreed-to changes that provide such additional categories of confidentiality as long as they are reasonable and adequately define what

types of materials are to be included in the additional categories. *Id.*
at 115–16.

We have reviewed Petitioner’s proposed modified protective order and determine that the proposed changes are consistent with the integrity and efficient administration of this proceeding in that it proposes an additional tier of confidential information. For the foregoing reasons, we *grant* the Motion.

III. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Motion *granted*.

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PETITIONER:

Jordan M. Rossen
Ashraf Fawzy
UNIFIED PATENTS, LLC
jordan@unifiedpatents.com
afawzy@unifiedpatents.com

For PATENT OWNER:

John Wittenzellner
Todd E. Landis
Michael J. Fagan, Jr.
Mark McCarthy
WILLIAMS SIMONS & LANDIS PLLC
johnw@wsltrial.com
tlandis@wsltrial.com
mfagan@wsltrial.com
mmccarthy@wsltrial.com