

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BOX, INC. and DROPBOX, INC.,
Petitioner,

v.

TOPIA TECHNOLOGY, INC.,
Patent Owner.

IPR2023-00427
Patent 9,143,561 B2

Before THOMAS L. GIANNETTI, CHARLES J. BOUDREAU, and
JOHN R. KENNY, *Administrative Patent Judges*.

GIANNETTI, *Administrative Patent Judge*.

ORDER
Granting Joint Motion to Seal
37 C.F.R. §§ 42.14, 42.54

I. BACKGROUND

Petitioner moves to seal certain portions of the Final Written Decision (Paper 64). Paper 67 (“Motion”). Petitioner has provided a redacted public version of the Final Written Decision. *See* Paper 68. Petitioner argues that there is good cause for granting the Motion. Motion, 3–5. Patent Owner does not oppose this Motion. *Id.* at 1.¹

Petitioner asserts that “[t]he redacted content on pages 10 and 18 of the [Final Written] Decision relates to a confidential arrangement between Egnyte, Inc. (“Egnyte”) and [Petitioner’s counsel] Ms. Keefe.” Motion, 3. Petitioner contends that “[t]he confidential information is commercially sensitive and has been maintained in confidence by all parties.” *Id.* Petitioner argues “[t]he redacted content on pages 11–13 of the [Final Written] Decision quotes or relates to a Joint Defense and Information Sharing Agreement (Ex. 1030) (‘JDA’) that has been filed under seal and paragraph 6 of the Declaration of Heidi Keefe (Ex. 1029) (‘Keefe Decl.’), which has been maintained under seal because it describes in detail provisions of the JDA.” *Id.* Petitioner further asserts that “[t]he content also includes deposition testimony of Ms. Keefe (Ex. 2018) about the provisions of the JDA.” *Id.* at 3–4. Petitioner asserts that “[t]he redacted content on page 14 of the Decision relates to a confidential engagement letter between Egnyte and Cooley LLP (‘Cooley’).” *Id.* at 4.

¹ The Motion states: “Patent Owner does not oppose this motion and joins this motion only to the extent necessary as a procedural matter pursuant to the Board’s direction that any motion to seal portions of the Decision should be filed jointly by the parties.” Motion, 1.

Petitioner further asserts that “[t]o the best of Petitioner[’s] knowledge, the information sought to be sealed has not been published or otherwise made public and the confidentiality of this information has been consistently maintained by the Petitioner[.]” Motion, 5.

II. DISCUSSION

While there is a strong public policy for making all information filed in our proceedings public, nevertheless our rules provide that “confidential information” may be protected from disclosure. *See* Patent Trial and Appeal Board Consolidated Practice Guide 19–20 (Nov. 2019).² As explained in the Consolidated Trial Practice Guide, “[t]he 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.” *Id.* at 19.

We have considered the parties’ submissions and determine that good cause exists to grant the Motion. Balancing the potential harm to Petitioner against the need for public disclosure, we determine that Petitioner has shown sufficiently that the identified information should be sealed.

III. ORDER

Accordingly, it is hereby:

ORDERED that the Joint Motion to Seal (Paper 67) is *granted*;

² Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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FURTHER ORDERED that the redacted portions the Board's Final Written Decision (Paper 64) shall remain sealed subject to the Protective Order in this case (Paper 9).

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