

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HUM INDUSTRIAL TECHNOLOGY, INC.

Petitioner

v.

AMSTED RAIL COMPANY, INC.

Patent Owner

Case IPR2023-00539

Patent No. 9,981,673

MOTION FOR PROTECTIVE ORDER

I. BACKGROUND

Pursuant to 37 C.F.R. §§ 42.54 and the Scheduling Order (Paper 11), Patent Owner respectfully requests that the Board enter the proposed protective order filed herewith as Exhibit 2159. The proposed Protective Order is the same as the Board's default Protective Order, as set forth in the Office Trial Practice Guide Update (November 2019). Good cause exists to enter the proposed Protective Order (Exhibit 2159). The parties have met and conferred, and Petitioner does not oppose this Motion.

II. GOOD CAUSE EXISTS FOR ENTERING THE PROPOSED PROTECTIVE ORDER (EXHIBIT 2159)

A party seeking to protect confidential information may seek entry of a protective order in a proceeding before the Board. *See, e.g., Garmin Int'l, Inc. v. Cuozzo Speed Techs. LLC*, IPR2012-00001, Paper 34 (PTAB Mar 14, 2013). Upon a showing of good cause, the Board may enter a Protective Order to protect from public disclosure such confidential information as disclosed by a party during the course of a proceeding before the Board. *See* 37 CFR § 42.54.

Patent Owner designs, manufactures, and markets various railcar and train consist monitoring and analysis technologies. Patent Owner's internal communications, communications with its external research and validation contractors, patent invention development processes, and product information are

held in confidence because of the damage that could ensue to its business if such information was obtained and materials disclosed in connection with this proceeding. The proposed Protective Order does not restrict access to confidential information for employees and representatives of the Patent and Trademark Office who have a need for access to Patent Owner's confidential information.

III. CONCLUSION

For the foregoing reasons, good cause exists for entering the proposed Protective Order (Exhibit 2159) in this proceeding.

Respectfully submitted,

Dated: October 19, 2023

By: /Ryan N. Miller/
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Counsel for Patent Owner
Amsted Rail Company, Inc.

CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e)(4))

I hereby certify that the attached MOTION FOR PROTECTIVE ORDER was served as of the below date on the Petitioner via e-mail to the following:

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Electronic service was used with Petitioner's consent (*See* Petition, Paper 1 at 2; Patent Owner's Mandatory Notice, Paper 5 at 5).

Dated: October 19, 2023

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