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Paper 43
Date: April 10, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

QUASAR SCIENCE LLC,
Petitioner,

v.

COLT INTERNATIONAL CLOTHING, INC. d/b/a COLT LED,
Patent Owner.

IPR2023-00613 (Patent 10,411,582 B1)
IPR2023-00614 (Patent 10,566,895 B1)[1]

Before GEORGIANNA W. BRADEN, ZHENYU YANG, and ROBERT J. WEINSCHENK, *Administrative Patent Judges*.

WEINSCHENK, *Administrative Patent Judge*.

ORDER
Granting Joint Motion to Seal Exhibits 2071 and 2093
37 C.F.R. § 42.14

[1] This Order pertains to both of these cases. Therefore, we exercise our discretion to issue a single Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

I. INTRODUCTION

Quasar Science LLC ("Petitioner") and Colt International Clothing, Inc. d/b/a Colt LED ("Patent Owner") filed a Joint Motion to Seal Exhibits 2071 and 2093. Paper 31 ("Motion" or "Mot.").[2] For the following reasons, the Motion is *granted*.

II. ANALYSIS

There is a strong public policy that favors making information filed in an *inter partes* review open to the public. *Garmin Int'l, Inc. v. Cuozzo Speed Techs. LLC*, IPR2012-00001, Paper 34 at 1–2 (PTAB Mar. 14, 2013). The standard for granting a motion to seal is good cause. 37 C.F.R. § 42.54. That standard includes showing that the information addressed in the motion to seal is confidential. *Garmin*, Paper 34 at 2–3. Further, the parties are encouraged to redact confidential information, where possible, rather than seeking to seal entire documents. Consolidated Trial Practice Guide 22 (Nov. 2019), *available at* https://www.uspto.gov/sites/default/files/documents/tpgnov.pdf?MURL ("TPG").

We previously entered a Protective Order in the above-listed cases. Paper 26; Ex. 1020. Pursuant to that Protective Order, the parties jointly move to seal the entirety of Exhibit 2071, portions of Exhibit 2093, and the portions of Patent Owner's Response that incorporate information from those exhibits. Mot. 4, 7.

The parties state that Exhibits 2071 and 2093 "contain[] confidential and proprietary sales and revenue information" of Patent Owner and Petitioner, respectively. *Id.* at 3. Specifically, the parties assert that Exhibit

[2] We cite to the record of IPR2023-00613, unless otherwise noted.

2071 "contains specific sales information including specific model, units sold, unit price and total price for each item of Patent Owner's sales to a specific customer," which is not publicly available. *Id.* According to the parties, "the entirety of Exhibit 2071 contains confidential information" and thus "redactions of the financial information would leave blank charts and be meaningless." *Id.* at 4 (emphasis omitted). The parties assert that Exhibit 2093 "includes sales information including specific models and total annual revenue for each [of Petitioner's] model[s]," which is not publicly available. *Id*. Patent Owner filed a redacted public version of Exhibit 2093. *Id.*

The parties also indicate that Patent Owner's Response contains confidential information from Exhibits 2071 and 2093. *Id.* at 1. The parties state that they "met and conferred and will generate a redacted public version for the Patent Owner to submit to the Board." *Id.*

After reviewing the Motion, we determine that the parties show sufficiently that the identified information in Exhibits 2071 and 2093 and Patent Owner's Response should be sealed under the Protective Order. Patent Owner, though, has not yet filed a public redacted version of its Response. Patent Owner shall file a public redacted version of its Response within ten (10) business days of this Order.

III. ORDER

It is hereby

ORDERED that the parties' Motion is *granted*;

FURTHER ORDERED that Exhibit 2071 and the confidential versions of Exhibit 2093 and Patent Owner's Response (IPR2023-00613, Paper 29; IPR2023-00614, Paper 28) are sealed; and

FURTHER ORDERED that Patent Owner shall file a redacted public version of its Response within ten (10) business days of this Order.

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