UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC

Petitioner

v.

DDC TECHNOLOGY, LLC,

Patent Owner

U.S. Patent No. 9,420,075

Case No.: IPR2023-00707

PETITIONER'S MOTION TO SEAL

Pursuant to 37 C.F.R. §§ 42.14, Petitioner Google hereby moves to seal Petitioner's Reply to Patent Owners Response ("Reply Brief") and Exhibits 1023, 1024, and 1026 filed with the Reply Brief. These documents contain both confidential information and highly confidential information.

I. Protective Order

Pursuant to the Board's order (Exhibit 3009), Petitioner has filed a modified protective order and is waiting for the Board to enter it. See Petitioner's Motion to Seal ("MTS"), paper 48, Exhibits 1 and 2.

II. Exhibit 1024

In deciding whether to seal documents, the Board must find "good cause," and must "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." *Garmin v. Cuozzo*, IPR2012-00001, Paper 36 (April 5, 2013).

Here, the balance tips in favor of protecting this confidential information. EX1024 reflects the sales and revenue information for all WWGC members, which include information about Google, Patent Owner, and many third parties. Sales and revenue information is the very essence of what organizations keep confidential. This is HIGHLY CONFIDENTIAL ATTORNEYS' EYES ONLY

MATERIAL for Google as well as all the other WWGC members. It has no bearing on patentability, and thus, should remain under seal.

III. Exhibit 1026

This exhibit is basically a continuation of the discussion between Patent Owner's predecessor-in-interest, DODOcase, and Google employees that is found in Exhibit 2034, for which a motion to seal is pending. See MTS, paper 48. Exhibit 1026 is therefore confidential for the same reasons. Namely, Petitioner would like the business and technical discussions in Exhibit 1026 to remain confidential because that information shows the manner in which Google conducted business discussions with DODOcase, which is not public, and shows the manner in which Google performed its technological, decision-making process, which is also not public. How Google conducts its business behind closed doors should be of no interest to the public looking at these proceedings to understand patentability issues. Also, Petitioner would like to keep the email addresses of its employees confidential to prevent those employees from receiving unwanted email communications. Because none of this information relates to patentability, Petitioner requests that it remain confidential.

IV. Exhibit 1023

Exhibit 1023 is the deposition transcript of the patent's inventor, Mr. Buckley. During his deposition, he discussed Exhibits 1026 and 2034, for which motions to seal are pending. Petitioner seeks to seal this testimony. The transcript also contains (1) confidential information regarding ownership of DODOcase; (2) confidential information regarding DODOcase's sales channels and sources of sales; and (3) confidential information regarding ownership of DODOcase and financial information of DODOcase, all of which Patent Owner wants sealed. None of this information relates to patentability. Thus, this information should remain confidential.

Both a confidential and a non-confidential redacted version of the transcript are being filed concurrently herewith.

V. Petitioner's Reply Brief

Petitioner moves to seal the various parts of its reply brief that discuss the confidential information mentioned above. Both a confidential version as well as a non-confidential version of the Reply brief are being filed concurrently herewith.

VI. Certification of Non-Publication

The information sought to be sealed has not been published or otherwise made public.

Respectfully Submitted,

Dated: April 24, 2024

Michael L. Kiklis____

Michael L. Kiklis
Reg. No. 38,939
Attorney for Petitioner
Google LLC

CERTIFICATE OF SERVICE

The undersigned certifies service pursuant to 37 C.F.R. §§ 42.6(e) of PETITIONER'S MOTION TO SEAL by filing this document through the USPTO Patent Trial and Appeal Case Tracking System and by emailing a copy to the following email addresses:

cortneyalexander@kentrisley.com
haller@haller-iplaw.com

Respectfully Submitted,

Dated: April 24, 2024

Michael L. Kiklis_____

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