

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MOM Enterprises, LLC,
Petitioner,

v.

ELAINE AND REINHOLD W. VIETH,
Patent Owners,

Case IPR 2023-00726
Patent 9,066,958

**PATENT OWNERS' MOTION TO SEAL
UNDER 37 CFR § 42.54**

During a teleconference hearing held on October 27, 2023, the Board authorized the parties to file a motion for entry of a proposed protective order at such time as a party seeks to file a document under seal. Ex. 2015, page 38, lines 4-12. The parties' JOINT MOTION FOR ENTRY OF [REVISED PROPOSED STIPULATED] PROTECTIVE ORDER was filed on February 8, 2024, Paper 60.

Patent Owners' Response, filed herewith, and supporting exhibits 2022, 2026, 2027, 2042-2047, 2049-2058, 2060, 2062-2068, 2071, and 2072 (the "confidential papers") are being filed and contain information designated either by the Petitioner, the Patent Owner, or a non-party as Highly Confidential-Attorney's Eyes Only. This motion is submitted by Patent Owners in compliance with the REVISED PROPOSED STIPULATED PROTECTIVE ORDER. The confidential papers contain sensitive financial and business information as it relates to strategy and sales, in particular as evidence of secondary considerations, and as such certain of the designated information is extremely sensitive.

"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); *see also* PTAB Consolidated Trial Practice Guide ("TPG"), 19-20. The TPG requires that parties "identify confidential information in a manner consistent with Federal Rule of Civil Procedure 26(c)(1)(G), which provides for protective orders for trade secret

or other confidential research, development, or commercial information.” TPG,
19.

Patent Owners submit this Motion to Seal portions of Patent Owners' Response and Certain Exhibits being filed in support thereof. There is good cause to seal portions of Patent Owners' Response and Certain Exhibits being filed in support thereof because they contain information designated by the Patent Owners and Petitioners as Highly Confidential-Attorney's Eyes Only.

Non-confidential versions of the Patent Owners' Response and the confidential exhibits after the parties have had the opportunity to review the Patent Owner's Response and 2022, 2026, 2027, 2042-2047, 2049-2058, 2060, 2062-2068, 2071, and 2072. The redactions will be limited in nature to the scope of confidential information.

Dated: February 9, 2024.

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that the foregoing Patent Owners' Motion to Seal is being served on February 9, 2024, by filing this document through the Patent Trial and Appeal Case Tracking System (P-TACTS) and by electronic mail as directed by Petition upon the following counsel of record for Petitioners:

David B. Conrad
Lance E. Wyatt
Sarika Patel
Casey Kraning
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