UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NETFLIX, INC.,

Petitioner

v.

VL COLLECTIVE IP, LLC.,

Patent Owner

IPR2023-00891
U.S. Patent 8,605,794

PATENT OWNER'S MOTION TO SEAL

Patent Owner, VL Collective IP LLC, submits this Motion to Seal Patent Owner's Reply in support of the Motion to Terminate ("the Reply"). Patent Owner submits this Motion to safeguard Petitioner's confidential information pursuant to the Protective Order. *See* Paper 27. The Reply comprises confidential information.

I. GOOD CAUSE EXISTS FOR SEALING THE MOTION TERMINATE AND THE RELEVANT EXHIBITS

In determining whether to grant a Motion to Seal, the Board must find "good cause" and "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 Int'l, Inc. v. Cuozzo Speed Techs. LLC*, IPR2012-00001, Paper 37 at 4 (PTAB Apr. 5, 2013) (quoting Office Trial Practice Guide, 77 Fed. Reg. 48756, 48760 (Aug. 14, 2012)); 37 C.F.R. § 42.54(a). "[A] movant to seal must demonstrate adequately that (1) the information sought to be sealed is truly confidential, (2) a concrete harm would result upon public disclosure, (3) there exists a genuine need to rely in the trial on the specific information sought to be sealed, and (4), on balance, an interest in maintaining confidentiality outweighs the strong public interest in having an open record." *Argentum Pharm. LLC v. Alcon Research, Ltd.*, IPR2017-01053, Paper 27 at 4 (PTAB Jan. 19, 2018) (citing 37 C.F.R. § 42.54(a)). Here, the Reply relies on confidential information to show that Petitioner was an RPI or privy in IPR2022-01086.

A. The *Argentum* Factors

With respect to the first and second *Argentum* factors, the Reply contains non-public confidential proprietary business information about Petitioner. Public disclosure of this information would expose Petitioner's business activities and financial information.

With respect to the third *Argentum* factor, Patent Owner relies on confidential information in the Reply to show that Petitioner is an RPI or privy in IPR2022-01086.

With respect to the fourth factor, the public will be able to access the general nature of the facts of this proceeding using the publicly available information, which will provide the public with an adequate understanding of the proceeding. Therefore, the balance in maintaining confidentiality outweighs the strong public interest in having an open record as the Reply contains non-public confidential proprietary business information about Petitioner.

Based on the reasons above, good cause exists for the Board to seal the Reply.

II. NON-CONFIDENTIAL INFORMATION

Pursuant to the Trial Practice Guide, Patent Owner will provide a redacted version of the Reply once it has had the opportunity to consult with Petitioner to determine the extent of the redactions.

Patent Owner certifies that, to the best of its knowledge and understanding, the information sought to be sealed by this Motion has not been published or otherwise made publicly available.

III. CONCLUSION

For the reasons stated above, Patent Owner requests the Motion to Seal be granted.

Dated: June 27, 2024

By: /*Christine E. Lehman*/
Christine E. Lehman
PTO Reg. No. 38,535
Counsel for Patent Owner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served on, via electronic mail, as agreed to by counsel, upon the following counsel for Petitioner:

Aliza George Carrano (Reg. No. 70,637)
accarrano@willkie.com
Indranil Mukerji (Reg. No. 46,944)
imukerji@willkie.com
Stephen A. Marshall (*pro hac vice*)
smarshall@willkie.com
Netflix-VL_WFG@willkie.com
WILLKIE FARR & GALLAGHER LLP
1875 K Street NW
Washington, DC 20006

Dated: June 27, 2024 /*Christine E. Lehman*/