UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Duration Media LLC
Petitioner,

v.

Rich Media Club LLC
Patent Owner.

Case IPR2023-00953
U.S. Patent 11,443,329

PATENT OWNER'S MOTION TO SEAL

I. Introduction

Pursuant to 37 C.F.R. §42.54 and the parties' agreed-upon protective orders in this matter (Paper 28, Default Protective Order and the soon-to-be-filed Modified Protective Order), Patent Owner Rich Media Club LLC ("RMC") requests that three documents filed on December 6, 2023 be maintained under seal: the Patent Owner's Response, Exhibit 2026, and Exhibit 2045. RMC understands that Duration has separately moved to maintain Exhibit 2055, which contains Duration's confidential infromaton, under seal. All four documents contain a small amount of confidential sales information, RMC is moving to seal its confidential sales information; Duration is filing a separate motion to seal the documents to the extent they contain confidential information of Duration (including Duration's sales information). RMC and Duration have agreed that two Exhibits previously filed under seal, 2009 (a Cooperation Agreement between the parties) and 2019 (a non-disclosure agreement between the parties) no longer need to be maintained under seal.

II. Good Cause Exists for Sealing Certain Confidential Information.

Good cause exists for maintaining the confidentiality of these portions of the record. Patent Owner's Response, Exhibit 2026, and Exhibit 2045 contain confidential information of Rich Media Club, LLC, specifically their cumulative revenue. To the extent Duration Media LLC has identified confidential information will be a part of their separately filed Motion to Seal. The parties are jointly submitting

the Patent Owner's Response filed December 6, 2023 that has both parties confidential information highlighted, specifically Rich Media's confidential information is highlighted in green and Duration Media's confidential information is highlighted in yellow.

Exhibit 2026 is the second declaration of Igor Tchibirev and Exhibit 2045 is the Expert Declaration of Robert Sherwood. Both declarations include confidential and Attorneys Eyes Only (AEO) information, including information from Exhibit 2055, which is Duration Media's response to Interrogatory 1 in this case and contains information related to revenue and designated "Attorneys Eyes Only" by Petitioner.

Toward that end, the parties have agreed to the default protective order (Paper 28) and intend to file a Modified Protective Order governing the handling of Attorneys Eyes Only information and based on the PTAB's default protective order provided in Appendix B to the Trial Practice Guide.

The parties are coordinating to file substitute documents with RMC's confidential information highlighted in green and Duration's highlighted in yellow.

III. Certification of Conference with Opposing Counsel

Pursuant to 37 C.F.R. § 42.54, Counsel for RMC has conferred with Counsel for Duration, and Duration does not oppose this motion.

IV. Conclusion.

For the above reasons, Patent Owner requests that the Patent Owner's Response, Exhibit 2026, and Exhibit 2045 be placed under seal.

Dated: December 22, 2023

Respectfully submitted,

/Ragnar Olson/
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 22, 2023, a complete and correct copy of the foregoing PATENT OWNER'S MOTION TO SEAL was served via electronic mail on the following counsel of record for Petitioner:

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