

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CSC SERVICEWORKS, INC.,
Petitioner,

v.

PAYRANGE, INC.
Patent Owner.

IPR2023-01186 (Patent 8,856,045 B1)
IPR2023-01187 (Patent 10,438,208 B2)
IPR2023-01188 (Patent 10,891,608 B2)¹

Before KEN B. BARRETT, MEREDITH C. PETRAVICK,
STACEY G. WHITE, and GEORGE R. HOSKINS²,
Administrative Patent Judges.

PER CURIAM.

ORDER
Granting Petitioner's Motions to Seal
37 C.F.R. §§ 42.14, 42.54

¹ We issue one Order to be entered in each proceeding. The combined caption is for administrative convenience only and does not indicate a joined case or an expanded panel.

² Judges Barrett, Petravick, and White are the panel for IPR2023-01186 and IPR2023-01187. Judges Petravick, White, and Hoskins are the panel for IPR2023-01188.

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On December 15, 2023, Petitioner CSC ServiceWorks, Inc. (“Petitioner”) filed Petitioner’s Motions to Seal in the above-listed proceedings (collectively, “Motions”). IPR2023-01186, Paper 9; IPR2023-01187, Paper 9; IPR2023-01188, Paper 9. The Motions seek entry of the Board’s default protective order and sealing of portions of Patent Owner’s Preliminary Sur-Reply in each of the above-listed proceedings (IPR2023-01186, Paper 8; IPR2023-01187, Paper 8; IPR2023-01188, Paper 8) and certain exhibits in their entirety. Motions 2. Petitioner requests to seal Exhibits 2007–2016 in IPR2023-01186 and IPR2023-01187, and Exhibits 2007–2017 in IPR2023-01188 (collectively, “the Exhibits”). *Id.*

Petitioner indicates that it notified PayRange, Inc. (“Patent Owner”) that Patent Owner’s Preliminary Sur-Reply in the above-listed proceedings and the Exhibits include Petitioner’s confidential information, and Patent Owner filed the documents as confidential. Motions 2. Petitioner filed redacted versions of Patent Owner’s Preliminary Sur-Reply in each of the above-listed proceedings. IPR2023-01186, Exhibit 1014; IPR2023-01187, Exhibit 1010; IPR2023-01188, Exhibit 1015. Patent Owner has not filed any opposition to Petitioner’s Motions, and the period for doing so has expired. *See* 37 C.F.R. § 42.25(a)(1). Petitioner indicates that Patent Owner has agreed to accept the terms of the default protective order. Motions 2–3. As discussed below, we grant Petitioner’s Motions.

A party may move to seal confidential information including, *inter alia*, sensitive commercial information. 37 C.F.R. § 42.54. It is the movant’s burden to show good cause for sealing such information, and we balance the party’s asserted need for confidentiality with the strong public interest in

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open proceedings. *Argentum Pharms. LLC v. Alcon Research, Ltd.*,
IPR2017-01053, Paper 27 at 4 (PTAB Jan. 19, 2018) (informative).

Petitioner provides a sufficient explanation for sealing the Exhibits and the relevant portions of Patent Owner's Preliminary Sur-Reply in each of the above-listed proceedings. The Exhibits contain confidential business information, and the portions of Patent Owner's Preliminary Sur-Reply in each of the above-listed proceedings that cite to and quote from the Exhibits similarly contain confidential business information. *See generally* IPR2023-01186, Paper 8; IPR2023-01187, Paper 8; IPR2023-01188, Paper 8. The information is related to Petitioner's disclosure of real parties-in-interest and is unrelated to patentability. *Id.*

After reviewing the record, we are persuaded that good cause exists for sealing the Exhibits and portions of Patent Owner's Preliminary Sur-Reply in each of the above-listed proceedings. Our review of the sealed version of Patent Owner's Preliminary Sur-Reply in each of the above-listed proceedings persuades us that Petitioner appropriately has limited the redactions in the public version to portions that reflect Petitioner's asserted confidential information. *Compare* IPR2023-01186, Paper 8 (reflecting redacted material), with Exhibit 1014 (redactions); *compare* IPR2023-01187, Paper 8 (reflecting redacted material), with Exhibit 1010 (redactions); *compare* IPR2023-01188, Paper 8 (reflecting redacted material), with Exhibit 1015 (redactions). We grant Petitioner's Motions and

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enter the Board’s default protective order in each of the above-listed proceedings.

We remind the parties that confidential information that is subject to a protective order ordinarily becomes public forty-five (45) days after final judgment in a trial. *See* the Patent Trial and Appeal Board’s Consolidated Trial Practice Guide³ (84 Fed. Reg. 64,280 (Nov. 21, 2019)), 21–22. There is an expectation that information will be made public when the existence of the information is identified in a final written decision following a trial. *Id.* After final judgment in a trial, a party may file a motion to expunge confidential information from the record prior to the information becoming public in accordance with 37 C.F.R. § 42.56.

In consideration of the foregoing, it is hereby

ORDERED that Petitioner’s Motions to Seal (IPR2023-01186, Paper 9; IPR2023-01187, Paper 9; IPR2023-01188, Paper 9) are *granted*;

FURTHER ORDERED that the confidential versions of Patent Owner’s Preliminary Sur-Reply in each of the above-listed proceedings, Exhibits 2007–2016 in IPR2023-01186 and IPR2023-01187, and Exhibits 2007–2017 in IPR2023-01188 shall remain sealed and designated as “Board and Parties Only” until further notice; and

FURTHER ORDERED that Petitioner’s request for entry of the Board’s Default Protective Order is *granted*.

³ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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FOR PETITIONER:

Jason R. Mudd
Mark Schafer
Kyle Friesen
SHOOK, HARDY & BACON
jmudd@shb.com
mschafer@shb.com
kfriesen@shb.com

FOR PATENT OWNER:

Matthew A. Argenti
Michael T. Rosato
Jad A. Mills
WILSON SONSINI GOODRICH & ROSATI
margenti@wsgr.com
mrosato@wsgr.com
jmills@wsgr.com