

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CSC SERVICEWORKS, INC.,
Petitioner,

v.

PAYRANGE, INC.,
Patent Owner.

IPR2023-01188
U.S. Patent No. 10,891,608

PETITIONER'S MOTION TO SEAL

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.14 and the Trial Practice Guide, Petitioner CSC ServiceWorks, Inc. (“CSC”) respectfully submits this Motion to Seal Exhibits 2007-2017 and Patent Owner’s Preliminary Sur-Reply (Paper 8).

CSC indicated to Patent Owner PayRange, Inc. (“PayRange”) that Exhibits 2007-2017 include CSC’s confidential information. As such, PayRange filed those exhibits confidentially. Further, because PayRange quotes material from Exhibits 2007-2017 in its Preliminary Sur-Reply, PayRange also filed that Sur-Reply confidentially. CSC wishes to maintain the confidentiality of the contents of these exhibits. Accordingly, CSC files this motion to seal these exhibits and Patent Owner’s Preliminary Sur-Reply.

II. GOOD CAUSE EXISTS FOR SEALING CERTAIN CONFIDENTIAL INFORMATION

As per the *Office Patent Trial Practice Guide*, “the rules aim to 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.” Patent Trial and Appeal Board Consolidated Trial Practice Guide at p. 19 (November 2019). The default protective order provides that “[a] party may file documents or information with the Board along with a Motion to Seal. The Motion to Seal should provide a non-confidential description of the nature of the confidential information

that is under seal, and set forth the reasons why the information is confidential and should not be made available to the public.” Default Protective Order at ¶ 5(A)(i). CSC hereby expressly certifies that it accepts and agrees to the terms of the default protective order. Further, PayRange has also agreed to the terms of the default protective order.¹

Each of the exhibits summarized in Table 1 below (the “Proposed Sealed Exhibits”) contain information designated sensitive and confidential business information of CSC. Further, PayRange’s Preliminary Sur-Reply discusses the Proposed Sealed Exhibits in detail and quotes from them extensively. Thus, the relevant portions of PayRange’s Preliminary Sur-Reply should be sealed for the same reasons enumerated in Table 1 below. Pursuant to the default protective order, CSC submits herewith a non-confidential (redacted) version of PayRange’s Preliminary Sur-Reply because confidentiality is alleged as to some but not all of

¹ The Patent Trial and Appeal Board Consolidated Trial Practice Guide indicates that the parties need not provide a copy of the Protective Order if they agree to accept the terms of the Default Protective Order. Consolidated Trial Practice Guide at pp. 113-114 (Nov. 2019). Because PayRange and CSC have agreed to accept the terms of the Default Protective Order, a copy is not included with this Motion.

the information contained therein. See Default Protective Order at ¶ 5(A)(ii). See Ex. 1015 (redacted version).

TABLE 1 – Proposed Sealed Exhibits/Documents

Exhibit/ Document	Summary of Contents	Good Cause for Filing Under Seal
Sur-Reply	Patent Owner PayRange’s Sur-Reply to Petitioner CSC’s Petition for <i>Inter Partes</i> Review	Confidential portions include references to and excerpts from the confidential documents listed below.
2007	Equipment Supply Agreement	Contains Confidential Business Information of CSC.
2008	April 6, 2020, Email to Charles Lee	Contains Confidential Business Information of CSC.
2009	April 6, 2020, Letter to Charles Lee	Contains Confidential Business Information of CSC.
2010	October 16, 2020-October 20, 2020, Emails between Chris Maxie and Ice Miller LLP	Contains Confidential Business Information of CSC.
2011	April 6, 2020, Email to Charles Lee	Contains Confidential Business Information of CSC.
2012	April 6, 2023, Letter to Charles Lee	Contains Confidential Business Information of CSC.

2013	July 25, 2023 Email to Charles Lee	Contains Confidential Business Information of CSC.
2014	August 10, 2023, Email to Charles Lee	Contains Confidential Business Information of CSC.
2015	September 27, 2023, Email to Charles Lee	Contains Confidential Business Information of CSC.
2016	September 27, 2023, Letter to Charles Lee	Contains Confidential Business Information of CSC.
2017	Equipment Supply Agreement	Contains Confidential Business Information of CSC.

For the foregoing reasons, Petitioner CSC respectfully requests this Motion be granted and that the designated materials remain sealed.

Respectfully submitted,
Dated: December 15, 2023
Shook, Hardy & Bacon
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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Motion to Seal and accompanying Exhibit 1015 were served on December 15, 2023, on the Patent Owner at the electronic correspondence addresses of counsel for Patent Owner as follows:

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Dated: December 15, 2023

/Jason R. Mudd/
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Petitioner's Exhibit List

Ex. 1001	U.S. Patent No. 10,891,608
Ex. 1002	Prosecution History of U.S. Patent No. 10,891,608
Ex. 1003	[Declaration]
Ex. 1004	U.S. Patent Publication No. 2010/0227671A1 to Laaroussi et al. ("Laaroussi")
Ex. 1005	U.S. Patent No. 4,374,557 to Sugimoto et al. ("Sugimoto")
Ex. 1006	U.S. Patent No. 10,121,318 to LeMay et al. ("LeMay")
Ex. 1007	U.S. Patent No. 6,840,860 to Okuniewicz ("Okuniewicz")
Ex. 1008	Reserved
Ex. 1009	Reserved
Ex. 1010	Waiver of Service of Complaint (July 18, 2022)
Ex. 1011	Specification of the Bluetooth System, Version 1.2 (November 5, 2003)
Ex. 1012	Specification for RFID Air Interface, Version 1.2.0 (October 23, 2009)
Ex. 1013	Curriculum Vitae of Dr. Clifford Neuman
Ex. 1014	Declaration of Chris Maxie
Ex. 1015	Redacted Version of Patent Owner's Sur-Reply (Paper 8)