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Paper 41
Date: March 14, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MOTOROLA SOLUTIONS, INC.,
Petitioner,

v.

STA GROUP LLC,
Patent Owner.

IPR2023-01294
Patent 8,831,664 B2

Before MICHAEL J. FITZPATRICK, DAVID C. MCKONE, and KEVIN C. TROCK, *Administrative Patent Judges*.

FITZPATRICK, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motion to Seal and For Protective Order
37 C.F.R. §§ 42.14, 42.54

I. INTRODUCTION

A. Procedural Background

Petitioner, Motorola Solutions, Inc., filed a Motion to Seal and for Entry of a Protective Order. Paper 27 ("Mot."). Specifically, the Motion seeks (1) to seal Exhibits 1037 and 1041 and (2) entry of the Board's Default Protective Order, which Petitioner appended to its Motion. Mot. 1, 5–9. Petitioner represents that the Motion is unopposed. Mot. 1, n.1. Indeed, Patent Owner, STA Group LLC, has not filed an opposition to the Motion.

We grant the Motion.

B. Governing Law

Under 35 U.S.C. § 316(a)(1), the default rule is that all papers filed in an *inter partes* review are open and available for access by the public. However, the same statute specifically contemplates exceptions to this default rule and instructs the Director to create regulations providing for the sealing of documents and entry of protective orders. *Id.* at § 316(a)(1) and (6). The Director has done so via 37 C.F.R. §§ 42.14 and 42.54, which we apply below.

II. MOTION TO SEAL

The standard for granting a motion to seal is "good cause." *See* 37 C.F.R. § 42.54 ("The Board may, for good cause, issue an order to protect a party or person from disclosing confidential information."). The moving party bears the burden of showing that the relief requested should be granted. 37 C.F.R. § 42.20(c).

Petitioner moves to seal Exhibits 1037 and 1041 in their entirety. Mot. 2–3. Both exhibits consist of excerpts of documents from a related

lawsuit, *STA Grp. LLC v. Motorola Solutions, Inc.*, No. 2-22-cv-00381 (E.D. Tex.).

Exhibit 1037 is seven pages and consists of excerpts from a deposition of Dr. Shmuel Shaffer[1] taken in the lawsuit. Mot. 3; Ex. 1037. Each of the seven pages is marked "HIGHLY CONFIDENTIAL – UNDER PROTECTIVE ORDER." Ex. 1037. Petitioner represents that the information sought to be sealed is technical information related to a third-party's products. Mot. 3. Based on these facts, Petitioner argues, and we are persuaded, that good cause exists to seal Exhibit 1037.

Exhibit 1041 is five pages and consists of excerpts from an expert report of Dr. Pooley submitted in the same lawsuit. Mot. 2; Ex. 1041. Each of the five pages is marked "CONFIDENTIAL – ATTORNEY'S EYES ONLY – SOURCE CODE." Ex. 1041. Petitioner represents that the information sought to be sealed is technical information related to Petitioner's products. Mot. 3. Based on these facts, Petitioner argues, and we are persuaded, that good cause exists to seal Exhibit 1041.

III. PROTECTIVE ORDER

The Board may, for good cause, issue a protective order "to protect a party or person from disclosing confidential information." 37 C.F.R. § 42.54(a). A protective order is not entered by default but must be proposed by one or more parties and must be approved and entered by the Board. Consolidated Trial Practice Guide ("Consolidated Practice Guide")[2] at 19–20, 107. The Consolidated Practice Guide sets forth specific

[1] Dr. Shaffer submitted a declaration in the *inter partes* review. Ex. 2005.
[2] Available at https://www.uspto.gov/TrialPracticeGuideConsolidated.

guidelines on proposing a protective order and provides a Default Protective Order, which is what Petitioner's Motion requests be granted here. *See id.* at 19–20, 107–22.

Because good cause exists for sealing Exhibits 1037 and 1041, good cause also exists for entering a protective order to protect the information being sealed. *See id*. at 20 ("Specifically, protective orders may be issued for good cause by the Board to protect a party from disclosing confidential information."). Further, because Petitioner requests entry of the Board's Default Protective Order and Patent Owner does not oppose the Motion, Petitioner's request is granted.

Accordingly, it is

ORDERED that Petitioner's Motion is granted;

FURTHER ORDERED that Exhibits 1037 and 1041 remain sealed;[3] and

FURTHER ORDERED that the Board's Default Protective Order, which is appended to the Motion, is entered and governs in this proceeding.

[3] "Confidential information that is subject to a protective order ordinarily would become public . . . 45 days after final judgment in a trial." Consolidated Practice Guide at 21–22. However, "after final judgment in a trial, a party may file a motion to expunge confidential information from the record." 37 C.F.R. § 42.56.

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