

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AFFORDABLE WIRE MANAGEMENT, LLC,
Petitioner,

v.

CAMBRIA COUNTY ASSOCIATION
FOR THE BLIND AND HANDICAPPED, INC.,
Patent Owner.

IPR2024-00178
Patent 11,349,291 B2

Before JAMES P. CALVE, FRANCES L. IPPOLITO, and
NATHAN A. ENGELS, *Administrative Patent Judges*.

CALVE, *Administrative Patent Judge*.

ORDER

Granting Petitioner's Motions to Seal Petitioner's Reply and Exhibits in
Support of Petitioner's Reply, and to Seal Petitioner's Demonstratives
Exhibit 1060, and Patent Owner's Motion to Seal Patent Owner's Sur-Reply
and Exhibit in Support of Patent Owner's Sur-Reply

37 C.F.R. §§ 42.14, 42.54

On October 17, 2024, Petitioner Affordable Wire Management, LLC filed a Motion to Seal Petitioner's Reply (Paper 53) and Exhibits in Support of Petitioner's Reply (Exs. 1028, 1031, 1033, 1047, 1048, 1055). Paper 55.

On January 14, 2025, Petitioner filed a Motion to Seal Petitioner's Demonstratives exhibits, which were filed as Exhibit 1060. Paper 69.

On November 25, 2024, Patent Owner Cambria County Association for the Blind and Handicapped, Inc. filed a Motion to Seal Patent Owner's Sur-reply (Paper 62) and Exhibit (Ex. 2064) in support of Patent Owner's Sur-reply. Paper 60.

For the reasons discussed below, we *grant* Petitioner's and Patent Owner's Motions to Seal (Papers 55, 60, 69).

Motion to Seal

There is a strong public policy for making all information filed in an *inter partes* review open to the public, especially because the proceeding determines the patentability of claims in an issued patent and, therefore, affects the rights of the public. Generally, all papers filed in an *inter partes* review shall be made available to the public. *See* 35 U.S.C. § 316(a)(1); 37 C.F.R. § 42.14. Our rules, however, “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.” Trial Practice Guide 19. Thus, a party may move to seal certain information (37 C.F.R. § 42.14); but only “confidential information” is protected from disclosure (35 U.S.C. § 316(a)(7)). Confidential information “means trade secret or other confidential research, development, or commercial information.” 37 C.F.R. § 42.2. The standard for granting a motion to seal is “for good cause.” 37 C.F.R. § 42.54(a). The party moving to seal bears the

burden of proof and must explain why the information sought to be sealed constitutes confidential information. 37 C.F.R. § 42.20(c).

Confidential information that is subject to a protective order ordinarily becomes public 45 days after final judgment in a trial. Trial Practice Guide 21–22. There is an expectation that confidential information relied upon or identified in a final written decision will be made public. *Id.* A party seeking to maintain the confidentiality of the information may file a motion to expunge the information from the record prior to the information becoming public. 37 C.F.R. § 42.56.

a. Paper 55 and Exhibits 1028, 1031, 1033, 1047, 1048, and 1055

Petitioner’s Motion to Seal Petitioner’s Reply and Exhibits seeks to seal Paper 53 (public version in Paper 54), and Exhibits 1028, 1031, 1033, 1047, 1048, and 1055 (public versions of each filed under the same number). Paper 55, 2. Petitioner asserts that these exhibits contain “precisely the type of information the Board considers confidential.” *Id.* More specifically, Petitioner represents that:

- Exhibits 1028, 1033, 1048 and 1055 contain customer information, including names of customers and contact information;
- Exhibits 1031, 1047, 1048, and 1055 contain confidential and proprietary part numbers and product pricing;
- Exhibits 1028, 1033, 1048, and 1055 contain Patent Owner’s financial information, including sales data, revenues, sales growth, product pricing, part numbers, and other financial information concerning Patent Owner’s products; and
- Exhibits 1028, 1031, and 1047 contain information concerning

Patent Owner’s research and development efforts, specific prototype and product testing, and specifications and drawings of its patented products.

Id. at 3–4. Petitioner indicates the “information Petitioner seeks to seal is effectively identical to the materials Patent Owner sought to seal in this proceeding.” *Id.* at 6.

b. Exhibit 1060

Petitioner’s Motion to Seal Exhibit 1060 (public version filed under the same number) indicates the Exhibit contains “‘confidential research, development, or commercial information,’ precisely the type of information the Board considers confidential.” Ex. 1060, 2–3. This includes “customer information, including names of customers and contact information,” “Patent Owner’s confidential and proprietary part numbers and product pricing,” “Patent Owner’s financial information, including sales data, revenues, sales growth, product pricing, part numbers, and other financial information concerning Patent Owner’s products,” and “information concerning Patent Owner’s research and development efforts, specific prototype and product testing, and specifications and drawings of its products.” *Id.* at 3–4.

Given the subject matter of the information redacted in this paper and these exhibits, we determine that the redacted information is confidential and that the interest in maintaining the information as confidential outweighs the public interest in having the information unsealed. Accordingly, we conclude that good cause exists to maintain under seal the redacted portions of Paper 53, and Exhibits 1028, 1031, 1033, 1047, 1048, 1055, and 1060.

c. Patent Owner's Sur-reply and Exhibit 2064

Patent Owner's Motion to Seal (Paper 60) seeks to seal portions of Patent Owner's Sur-reply (Paper 62, public version is Paper 61) and Exhibit 2064 (public version filed under same number). Paper 60, 1. Patent Owner contends Exhibit 2064 "contains customer information, including names of customers," and "Patent Owner's financial information, including sales data, revenues, sales growth, product pricing, part numbers, and other financial information concerning Patent Owner's products." *Id.* at 3–4. Patent Owner contends that the "Sur-Reply incorporates, discusses, and analyzes the information contained in EX2064," and "also contains CAB's Confidential Information from exhibits previously filed under seal with the Board." *Id.* at 4. Patent Owner further contends "information related to Patent Owner's product pricing and client contacts have significant competitive value," and "[d]isclosure of this information to the public and, specifically, to Petitioner (i.e., to Petitioner's principals and employees) would create a substantial risk of harm to Patent Owner's competitive position." *Id.* at 5.

We conclude that good cause exists to maintain under seal the redacted portions of the Patent Owner's Sur-reply. The redacted portions refer to information provided in Exhibits 2064, which we also find good cause to maintain under seal. Further, Patent Owner has provided a public, redacted version of the Patent Owner Sur-rely with limited redactions that do not substantially impact the readability of the record.

Accordingly, we conclude that good cause exists to maintain under seal the redacted portions of the Patent Owner Sur-reply (Paper 62), and Exhibit 2064.

In consideration of the foregoing, it is hereby

ORDERED that Petitioner's Motion to Seal its Reply and supporting exhibits (Paper 55) is *granted*;

ORDERED that Petitioner's Motion to Seal Exhibit 1060 (Paper 69) is *granted*;

ORDERED that Patent Owner's Motion to Seal its Sur-reply and Exhibit 2064 (Paper 60) is *granted*;

FURTHER ORDERED that the confidential versions of Petitioner's Reply (Paper 53) and Exhibits 1028, 1031, 1033, 1047, 1048, 1055, and 1060 shall remain sealed and designated as "Parties and Board" until further notice;

FURTHER ORDERED that the confidential versions of Patent Owner's Sur-reply (Paper 62) and Exhibit 2064 shall remain sealed and designated as "Parties and Board" until further notice.

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