

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PROVISUR TECHNOLOGIES, INC.,
Petitioner,

v.

TEXTOR MASCHINENBAU GMBH,
Patent Owner.

IPR2024-00224
Patent 9,457,487 B2

Before JEREMY M. PLENZLER, CARL M. DeFRANCO, and
JASON W. MELVIN, *Administrative Patent Judges*.

DeFRANCO, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motions to Seal
37 C.F.R. §§ 42.5, 42.54

Introduction

In a separate combined motion, Petitioner moves for entry of a protective order and to seal unredacted versions of Exhibits 1030 and 1031. *See* Paper 3. In a second motion, Petitioner seeks to seal unredacted versions of its Reply (Paper 34) and its Opposition to the Motion To Amend (Paper 36), as well as unredacted versions of Exhibits 1047, 1053, 1054, 1056–59, 1061, 1064, 1065, and 1069–1071. *See* Paper 32. Patent Owner does not oppose these motions.

Legal Standard

The standard for granting a motion to seal and entry of a protective order is “for good cause.” *See* 37 C.F.R. § 42.54(a). The moving party bears the burden to show entitlement to the requested relief and to establish that the information sought to be sealed is confidential information. *See id.* §§ 42.54(a), 42.20(c). The “good cause” standard for granting a motion to seal reflects the strong public policy for making all information in an *inter partes* review open to the public. *Argentum Pharms. LLC v. Alcon Rsch., Ltd.*, IPR2017-01053, Paper 27, 3 (PTAB Jan. 19, 2018) (informative). In assessing whether the standard has been met, we may consider whether the information at issue is truly confidential, whether harm would result from public disclosure of the information, and whether the interest in maintaining the information’s confidentiality outweighs the strong public interest in an open record. *Id.* at 3–4.

Motion for Entry of Protective Order

Petitioner’s motion for entry of a protective order is moot. We previously entered a protective order in this case as a result of a motion filed

by Patent Owner. *See* Paper 59. Thus, we do not reach Petitioner’s motion seeking the same relief.

Motions to Seal

Petitioner filed two motions to seal. *See* Papers 3, 32. First, Petitioner seeks to seal unredacted versions of Exhibits 1030 and 1031 “because they are product manuals that contain confidential development and commercial information” and are subject to “the protections of a protective order in a parallel litigation between the parties.” Paper 3, 3. Second, Petitioner seeks to seal unredacted versions of its Reply (Paper 34) and its Opposition to Patent Owner’s Motion to Amend (Paper 36) because each “either directly quotes confidential material or characterizes confidential material in a way that publicly reveals the content of the confidential material.” *See* Paper 32, 4. In that same motion, Petitioner also seeks to seal unredacted versions of Exhibits 1047, 1053, 1054, 1056–59, 1061, 1064, 1065, and 1069–1071 because they are subject to “the protections of a protective order in a parallel litigation between the parties” and/or “[Patent Owner] has identified the documents as containing confidential information.” *Id.* at 4. Based on the above representations, we find that good cause exists for sealing the unredacted versions of the above-identified documents. Thus, we grant Petitioner’s motions to seal to that effect.

Order

Accordingly, it is:

ORDERED that Petitioner’s unopposed motions to seal (Papers 3 and 32) are *granted*; and

FURTHER ORDERED that unredacted versions of Petitioner's Reply (Paper 34) and Petitioner's Opposition to Patent Owner's Motion To Amend (Paper 36), as well as unredacted versions of Exhibits 1030, 1031, 1047, 1053, 1054, 1056–59, 1061, 1064, 1065, and 1069–1071, shall remain sealed until ordered otherwise.

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For PETITIONER:

Michael Babbitt
Sara T. Horton
Ren-how H. Harn
Mitchell M. Feldhake
Keeton A. Sheeler
WILLKIE FARR & GALLAGHER LLP LLP
mbabbitt@willkie.com
shorton@willkie.com
rharn@willkie.com
mfeldhake@willkie.com
ksheeler@willkie.com

For PATENT OWNER:

Paul R. Hart
Adam P. Seitz
Adam M. Sandwell
Christina Canino
ERISE IP, P.A.
paul.hart@eriseip.com
adam.seitz@eriseip.com
adam.sandwell@eriseip.com
christina.canino@eriseip.com