

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
HP INC., DELL INC., DELL TECHNOLOGIES INC.,
ASUSTEK COMPUTER INC., ASUS GLOBAL PTE. LTD.,
Petitioners

v.

LITL LLC,
Patent Owner.

IPR2024-00456

U.S. Patent No. 8,612,888

**PETITIONER'S REQUEST FOR
ENTRY OF PROTECTIVE ORDER
AND
MOTION TO SEAL
PURSUANT TO 37 C.F.R. §§ 42.14 & 42.54**

EXHIBIT LIST

Exhibit	Reference
1001	U.S. Patent No. 8,612,888 (“the ’888 Patent”)
1002	File History of the ’888 patent
1003	Declaration of Dr. Henry Houh in Support of Petition (“Houh Decl.”)
1004	Dr. Henry Houh CV
1005	RESERVED
1006	German Patent Application Publication DE10331185A1 (“Pröll”) with certified translation
1007	U.S. Patent 6,137,468 (“Martinez”)
1008	Joan Preppernau & Joyce Cox, <i>Step By Step Windows Vista</i> , Microsoft Press (Jan. 3, 2007) (“Preppernau”)
1009	U.S. Patent 5,847,698 (“Reavey”)
1010	U.S. Patent Application Publication 2006/0227122 A1 (“Proctor”)
1011	U.S. Patent Application Publication 2006/0062141 A1 (“Chandhri”)
1012	U.S. Patent Application Publication 2006/0265390 A1 (“Aldrich”)
1013	U.S. Patent No. 7,970,240 B1 (“Chao”)
1014	RESERVED
1015	RESERVED
1016	Complaint, <i>LiTL LLC v. ASUSTeK Computer Inc.</i> , No. 23-cv-00122 (D. Del. Feb. 1, 2023)
1017	Complaint, <i>LiTL LLC v. Dell Techs. Inc.</i> , No. 23-cv-0121 (D. Del. Feb. 1, 2023)
1018	Complaint, <i>LiTL LLC v. HP Inc.</i> , No. 23-cv-00120 (D. Del. Feb. 1, 2023)
1019	Order Granting Microsoft Intervention, <i>LiTL LLC v. HP Inc.</i> , No. 23-cv-00120 (D. Del. Oct. 16, 2023)

Exhibit	Reference
1020	Scheduling Order, <i>LiTL LLC v. HP Inc.</i> , No. 23-120 (D. Del. Jan. 11, 2024), ECF No. 44
1021	Foley, James D., et al., <i>Computer Graphics Principles and Practice</i> , Second Edition in C (July 1997)
1022	Dino Esposito, <i>New Graphical Interface: Enhance Your Programs with New Windows XP Shell Features</i> , MSDN Magazine
1023	Maintenance & Service Guide, <i>HP Pavilion dv1600 Entertainment Notebook PC</i> (June 2006)
1024	Complaint, <i>LiTL LLC v. Lenovo (United States), Inc.</i> , No. 20-cv-00689 (D. Del. May 22, 2020)
1025	Stipulation of Dismissal, <i>LiTL LLC v. Lenovo (United States) Inc.</i> , No. 20-cv-00689 (D. Del. Feb. 3, 2023)
1026	RESERVED
1027	Fujitsu LifeBook T3000 Tablet PC review: Fujitsu LifeBook T3000 Tablet PC, available at https://www.cnet.com/reviews/fujitsu-lifebook-t3000-tablet-pc-review/
1028	HP Compaq Tablet PC TC1100 review: HP Compaq Tablet PC TC1100, available at https://www.cnet.com/reviews/hp-compaq-tablet-pc-tc1100-review/
1029	Acer TravelMate C110 review: Acer TravelMate C110, available at https://www.cnet.com/reviews/acer-travelmate-c110-review/
1030	OLPC XO-1 (One Laptop Per Child) review: OLPC XO-1 (One Laptop Per Child), available at https://www.cnet.com/reviews/olpc-xo-1-one-laptop-per-child-review/
1031	Microsoft Indemnity Request
1032	RESERVED
1033	RESERVED
1034	RealPlayer 7 Plus User Manual
1035	RESERVED
1036	Australia Patent Application Publication AU2001100022A4

Exhibit	Reference
1037	Apple Reinvents the Phone with iPhone, available at https://www.apple.com/newsroom/2007/01/09Apple-Reinvents-the-Phone-with-iPhone/
1038	Twist and Shoot: Nokia N90 makes it première, available at https://web.archive.org/web/20140714193817/http://company.nokia.com/en/news/press-releases/2005/04/27/twist-and-shoot-nokia-n90-makes-its-premiere
1039	Adobe Photoshop Elements 3.0 Getting Started Guide (2004)
1040	U.S. Patent 7,433,876 (“Spivack”)
1041	An Overview of HTML+, available at https://web.archive.org/web/19970605134644/https://www.w3.org/MarkUp/HTMLPlus/htmlplus_7.html
1042	Proposed Protective Order (Redline)
1043	Proposed Protective Order (Clean)

Pursuant to 37 CFR § 42.55(b), Petitioner Microsoft Corporation (“Petitioner”) proposes entry of the Protective Order attached to this motion as Exhibit 1. Exhibit 2 tracks any changes from the default protective order, where the changes are meant to introduce an additional level of confidentiality as “CONFIDENTIAL—OUTSIDE ATTORNEYS’ EYES ONLY MATERIAL”.

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Petitioner respectfully submits this Motion to Seal. Petitioner moves to seal certain portions of Patent Owner’s Preliminary Response (Paper 11) as well as Exhibits 2018-2020, 2025, 2027-2028, 2032-2034, and 2038-2040 (filed with Patent Owner’s Preliminary Response).

Petitioner has conferred with Patent Owner, and Patent Owner indicated it does not oppose.

I. GOOD CAUSE EXISTS

The Office Trial Practice Guide (TPG) states that “a document or thing will be made publicly available, unless a party files a motion to seal that is then granted by the Board.” Office Trial Practice Guide (Nov. 2019) at 19; *see also* 35 U.S.C. §316(a)(7). “The document or thing will be protected on receipt of the motion and remain so, pending the outcome of the decision on motion.” *Id.* The TPG states that “protective orders may be issued for good cause by the Board to protect a party from disclosing confidential information.” *Id.* at 20 (citing C.F.R. § 42.54). Here, there is good cause for sealing certain portions of Patent Owner’s

Preliminary Reply and the entirety of Exhibits 2018-2020, 2025, 2027-2028, 2032-2034, and 2038-2040 pursuant to 37 C.F.R. § 42.51(B)(2)(i) because Petitioner has obligations to maintain the confidentiality of the licensing information referenced therein. Disclosure of this confidential information could also cause competitive harm to Microsoft and other parties, including because it would disclose confidential licensing terms.

II. PROTECTIVE ORDER

Petitioner is designating certain portions of Patent Owner's Preliminary Reply and the entirety of Exhibits 2018-2020, 2025, 2027-2028, 2032-2034, and 2038-2040 as "CONFIDENTIAL—OUTSIDE ATTORNEYS' EYES ONLY MATERIAL" pursuant to the parties' agreed Protective Order.

The designated portions of Patent Owner's Preliminary Reply and Exhibits 2018-2020, 2025, 2027-2028, 2032-2034, and 2038-2040 for which Petitioner seeks to restrict access under an "Attorneys' Eyes Only" designation are documents that contains highly competitively sensitive information related to licensing, including precise license terms and rates that should only be accessible to persons that qualify under Paragraph 4 of the amended Protective Order.

III. CONCLUSION

For at least the foregoing reasons, Petitioner requests that the Board enter the parties' agreed protective order and seal certain portions of Patent Owner's

Preliminary Response and Exhibits 2018-2020, 2025, 2027-2028, 2032-2034, and 2038-2040 in their entirety.

Respectfully submitted,

/ Jessica Kaiser /

Jessica Kaiser
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Date: May 29, 2024

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of **PETITIONER'S REQUEST FOR ENTRY OF PROTECTIVE ORDER AND MOTION TO SEAL PURSUANT TO 37 C.F.R. §§ 42.14 & 42.54** was served via electronic mail, as previously consented to by Petitioner, upon the following:

Gerald B. Hrycyszyn: GHrycyszyn-PTAB@WolfGreenfield.com
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Respectfully submitted,

/ Jessica Kaiser /

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Date: May 29, 2024