

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

**PETITIONERS' MOTION TO SEAL
PURSUANT TO 37 C.F.R. §§ 42.14 & 42.54**

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Petitioners respectfully submit this Motion to Seal. Petitioners move to seal certain portions of Petitioners' Preliminary Reply (Paper 14).

Petitioners have 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.* Here, there is good cause for sealing certain portions of Petitioners' Preliminary Reply pursuant to 37 C.F.R. § 42.51(B)(2)(i) because Petitioners have 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

Petitioners are designating certain portions of Petitioners' Preliminary Reply as “CONFIDENTIAL—OUTSIDE ATTORNEYS' EYES ONLY

MATERIAL” pursuant to the parties’ agreed Protective Order.

The designated portions of Petitioners’ Preliminary Reply for which Petitioners seek to restrict access under an “Attorneys’ Eyes Only” designation are related to documents that contain 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, Petitioners request that the Board seal certain portions of Petitioners’ Preliminary Reply.

Respectfully submitted,

/ Jessica Kaiser /

Jessica Kaiser
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Date: June 3, 2024

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of **PETITIONERS' 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: June 3, 2024