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Paper 46
Date: July 15, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC. and FORTINET, INC.,
Petitioner,

v.

INFOEXPRESS INC.,
Patent Owner.

IPR2024-00539 (Patent 8,051,460 B2)
IPR2024-00675 (Patent 7,523,484 B2)
IPR2024-00676 (Patent 8,677,450 B2)
IPR2024-00677 (Patent 8,578,444 B2)
IPR2024-00679 (Patent 7,523,484 B2)[1]

Before CHRISTOPHER M. KAISER and JOHN A. HUDALLA, *Administrative Patent Judges*.

HUDALLA, *Administrative Patent Judge*.

ORDER
Granting Motions to Seal
Entering Default Protective Order
37 C.F.R. § 42.54

[1] This Order applies to each of the above-listed proceedings. We exercise our discretion to issue one Order to be filed in each proceeding. Unless otherwise authorized, the parties shall not use this heading style in any subsequent papers.

On July 30, 2024, InfoExpress Inc. ("Patent Owner") filed a Motion to Seal (Paper 10, "1st PO Mot." or "Patent Owner's First Motions to Seal")[2] in conjunction with the filing of its Preliminary Response (*see* Paper 7) in each of these proceedings. With the motions, Patent Owner seeks to seal Exhibits 2003, 2007, 2009, and 2011–2271, and the portions of the Preliminary Responses that contain confidential information arising from these exhibits. 1st PO Mot. 2–3. Patent Owner also seeks entry of the Board's Default Protective Order. *Id.* at 2. Patent Owner represents that Cisco Systems, Inc. and Fortinet, Inc. (collectively, "Petitioner") do not oppose Patent Owner's motions.

On May 8, 2025, Petitioner filed a Motion to Seal (Paper 40, "1st Pet. Mot." or "Petitioner's First Motions to Seal") in conjunction with the filing of its Reply (*see* Paper 41) in each of these proceedings. With the motions, Petitioner seeks to seal Exhibits 1023, 1025, and 1026, and the portions of the Replies that refer to "information that Patent Owner has previously moved to file under seal or otherwise filed under seal." 1st Pet. Mot. 2–3. Petitioner also seeks entry of the Board's Default Protective Order. *Id.* at 2. Petitioner represents that Patent Owner does not oppose Petitioner's motions.

On July 11, 2025, Patent Owner filed a second Motion to Seal (Paper 48, "2d PO Mot." or "Patent Owner's Second Motions to Seal")

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[2] We cite to papers and exhibits in IPR2024-00539. Similar documents were filed in IPR2024-00675, IPR2024-00676, IPR2024-00677, and IPR2024-00679.

relating to the filing of its Motion for Additional Discovery (*see* Paper 20), Response (*see* Paper 24), and Sur-reply (*see* Paper 45) in each of these proceedings. With the motions, Petitioner seeks to seal Exhibits 2412, 2414–2424, 2427–2444, 2427, 2451–2485, 2487–2501, 2503–2520, 2523–2524, 2527–2545, 2547–2548, 2551–2564, and 2568, and the portions of the Motions for Additional Discovery, Responses, and Sur-replies that pertain to the exhibits that Patent Owner seeks to seal. 2d PO Mot. 2–4. Patent Owner again seeks entry of the Board's Default Protective Order. *Id.* at 2–3. Patent Owner represents that Petitioner does not oppose Patent Owner's motions.

On July 14, 2025, Patent Owner filed a third Motion to Seal (Paper 49, "3d PO Mot." or "Patent Owner's Third Motions to Seal") portions of its demonstrative exhibits (Papers 51) in each of these proceedings. Patent Owner again seeks entry of the Board's Default Protective Order. 3d PO Mot. 2. Patent Owner represents that Petitioner does not oppose Patent Owner's motions.

On July 14, 2025, Petitioner filed a second Motion to Seal (Paper 52, "2d Pet. Mot." or "Petitioner's Second Motions to Seal") portions of its demonstrative exhibits (Ex. 1029) in each of these proceedings. Petitioner again seeks entry of the Board's Default Protective Order. 2d Pet. Mot. 2. Petitioner represents that Patent Owner does not oppose Petitioner's motions.

The Board may, for good cause, issue an 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. Patent Trial and Appeal Board Consolidated Trial Practice Guide 19–20, 107 (Nov. 2019), *available at* http://www.uspto.gov/TrialPracticeGuideConsolidated ("Trial Practice Guide"). The Trial Practice Guide sets forth specific guidelines on proposing a protective order and provides a Default Protective Order. *See* Trial Practice Guide 19–20, 107–22.

As discussed below, we find that the parties have established good cause to seal certain materials. Thus, for the reasons that follow, we grant the parties' motions to seal. We also enter the Board's Default Protective Order in these proceedings.

Patent Owner's First Motions to Seal

Patent Owner seeks to seal Exhibits 2003, 2007, 2009, and 2011–2271 and the portions of the Preliminary Responses that discuss these exhibits. 1st PO Mot. 2–3. Exhibits 2011–2071 comprise Patent Owner's correspondence, internal documents, and agreements that allegedly relate to inventorship of the challenged patents. Exhibits 2003 is an inventor declaration, and Exhibits 2007 and 2009 are a declaration and claim chart from Patent Owner's expert related to the issue of inventorship. These materials discuss Patent Owner's correspondence, internal documents, and agreements. We find these exhibits to contain confidential information about non-public business dealings. We also note that Patent Owner has provided public versions the Preliminary Responses that redact references to

these exhibits. Thus, we grant Patent Owner's First Motions to Seal as to Exhibits 2003, 2007, 2009, and 2011–2271 and the portions of the Preliminary Responses that discuss these exhibits.

Petitioner's First Motions to Seal

Petitioner seeks to seal Exhibits 1023, 1025, and 1026 and the portions of the Replies that discuss these exhibits and the confidential exhibits designated by Patent Owner. 1st Pet. Mot. 2–3. Exhibits 1023, 1025, and 1026 comprise deposition transcripts for the inventors of the challenged patents and Patent Owner's expert related to the issue of inventorship. We find these transcripts to contain repeated references to confidential information about non-public business dealings. We also note that Petitioner has provided public versions of its Replies that redact references to Exhibits 1023, 1025, and 1026 and the confidential exhibits designated by Patent Owner. Thus, we grant Petitioner's Motions to Seal as to Exhibits 1023, 1025, and 1026 and portions of the Replies that discuss these exhibits and the confidential exhibits designated by Patent Owner.

Patent Owner's Second Motions to Seal

Patent Owner seeks to seal Exhibits 2412, 2414–2424, 2427–2444, 2427, 2451–2485, 2487–2501, 2503–2520, 2523–2524, 2527–2545, 2547–2548, 2551–2564, and 2568, and the portions of the Motions for Additional Discovery, Responses, and Sur-replies that pertain to the exhibits that Patent Owner seeks to seal. 2d PO Mot. 2–4. Most of the exhibits comprise

Patent Owner's correspondence, internal documents, and agreements that allegedly relate to inventorship of the challenged patents or Patent Owner's dealings with Petitioner Cisco. Exhibits 2427, 2429, and 2564 are inventor or expert declarations. These materials discuss Patent Owner's correspondence, internal documents, and agreements. We find these exhibits to contain confidential information about non-public business dealings. We also note that Patent Owner has provided public versions the Motions for Additional Discovery, Responses, and Sur-replies that redact references to the exhibits that Patent Owner seeks to seal. Thus, we grant Patent Owner's First Motions to Seal as to Exhibits 2412, 2414–2424, 2427–2444, 2427, 2451–2485, 2487–2501, 2503–2520, 2523–2524, 2527–2545, 2547–2548, 2551–2564, and 2568, and the portions of the Motions for Additional Discovery, Responses, and Sur-replies that pertain to the exhibits that Patent Owner seeks to seal.

Petitioner's Second Motions to Seal and Patent Owner's Third Motions to Seal

The parties' latest motions to seal pertain to the filing of demonstratives for the oral hearing, which will include argument that encompasses materials that we have sealed above. *See* 3d PO Mot. 2–3; 2d Pet. Mot. 2–3. Both sides have also filed redacted versions of the demonstratives, and the motions are unopposed. For the same reasons discussed above, we grant the parties' motions to seal portions of the demonstrative exhibits.

Entry of Default Protective Order

Both sides ask us to enter the Board's Default Protective Order to govern the treatment of confidential information in these proceedings. 1st PO Mot. 1; 1st Pet. Mot. 1; 2d PO Mot. 2–3; 3d PO Mot. 2; 2d Pet. Mot. 2. Given that we find good cause to seal certain materials, we enter the Board's Default Protective Order in these proceedings.

Notice Regarding Public Versions of Sealed Testimony

We now have sealed several declarations and depositions transcripts in the record. The parties shall confer and jointly provide public versions of all sealed declarations and deposition transcripts by July 31, 2025. Otherwise, if redactions are not practicable for a particular declaration or deposition transcript, the parties shall jointly file a notice by July 31, 2025, explaining why the declaration or transcript should remain sealed in its entirety. The panel expects that Patent Owner will take the lead on these actions given that Patent Owner's confidential exhibits are the focus of the instant motions to seal. The panel also expects that most or all declarations and transcripts will be amenable to redaction.

Notice Regarding Materials That Have Been De-Designated

In an email dated July 10, 2025, Patent Owner asked the Board to change the designation of a large number of exhibits from "Parties and Board" or "Filing Party and Board" to "Public." Ex. 3002. We have

changed the designations as requested. Patent Owner shall promptly ensure that the record is complete and correct in the wake of these actions.

ORDER

Accordingly, it is

ORDERED that the Board's Default Protective Order is entered and shall govern the treatment and filing of confidential information in each of these proceedings;

FURTHER ORDERED that Patent Owner's motions to seal Exhibits 2003, 2007, 2009, and 2011–2271, and the portions of the Preliminary Responses that discuss these exhibits, are *granted*;

FURTHER ORDERED that Petitioner's motions to seal Exhibits 1023, 1025, and 1026 and the portions of the Replies that discuss these exhibits and the exhibits that Patent Owner seeks to seal, are *granted*;

FURTHER ORDERED that Patent Owner's motions to seal Exhibits 2412, 2414–2424, 2427–2444, 2427, 2451–2485, 2487–2501, 2503–2520, 2523–2524, 2527–2545, 2547–2548, 2551–2564, and 2568, and the portions of the Motions for Additional Discovery, Responses, and Sur-replies that pertain to the exhibits that Patent Owner seeks to seal, are *granted*;

FURTHER ORDERED that the parties' motions to seal certain demonstrative exhibits are *granted*; and

FURTHER ORDERED that the parties shall confer and jointly file public versions of all sealed declarations and deposition transcripts by July 31, 2025, or, if redactions are not practicable for a particular declaration

or transcript, the parties shall jointly file a notice by July 31, 2025, explaining why that declaration or transcript should remain sealed in its entirety.

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