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.

Case IPR2024-00677
U.S. Patent No. 8,578,444

PETITIONER'S UNOPPOSED MOTION TO FILE UNDER SEAL PURSUANT TO 37 C.F.R. §§ 42.14 AND 42.54

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Petitioner respectfully submits this Petitioner's Unopposed Motion to File Under Seal, requesting that the following information remain under seal:

- Portions of Petitioner's Reply to Patent Owner's Response (Original at Paper 35; Redacted at Paper 36).
- Exhibits Ex.1223, 1225, and 1226 (the "Supporting Exhibits") filed therewith.

The under-seal version of the Petitioner Reply, along with the identified under-seal exhibits, are being filed concurrently with this motion.

Petitioner has conferred with the Patent Owner, and the Patent Owner does not oppose this motion.

Petitioner respectfully requests that the Board enter the default protective order (see Consolidated Trial Practice Guide at 107-122 (App. B)) in the above captioned case to govern treatment of the documents and information identified herein.

I. Good Cause

For good cause, the Board may "issue an order to protect a party or person from disclosing confidential information." 37 C.F.R. § 42.54. The rules "identify confidential information in a manner consistent with Federal Rule of Civil Procedure 26(c)(1)(G), which provides for protective orders for trade secret or other

confidential research, development, or commercial information." Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48760 (Aug. 14, 2012).

Each of the sets of information below meets this standard, and for the reasons explained there is good cause for why those documents should remain under seal.

Petitioners have filed an under-seal its Reply and a public, redacted version of that Reply. The redacted portions on pages 13-29 contain information that Patent Owner has previously moved to file under seal or otherwise filed under seal. The Supporting Exhibits are additional evidence (deposition transcripts) cited in the redacted portions of the Reply that relate to that same material.

To the extent the Board determines there is good cause to grant the Patent Owner's Motion to file Under Seal (Paper No. 10), there is good cause for keeping these documents under seal for the same reasons.

II. Certification of Conference

Pursuant to 37 C.F.R. §§ 42.54(a), Petitioner certifies that it has in good faith conferred with Patent Owner's counsel. Patent Owner's counsel does not oppose this motion to seal.

Both Petitioner and Patent Owner agree to abide by the parties' stipulated Protective Order pending a decision by the Board on the motion for entry thereof.

III. Request for Conference Call with the Board

Should the Board not be inclined to grant the present Unopposed Motion to File Under Seal, Petitioner hereby requests a conference call with the Board to discuss any concerns prior to the Board issuing a decision on the Motion.

IV. Conclusion

Petitioner respectfully requests that the Board grant this Unopposed Motion to File Under Seal, and keep the following documents under seal: the under-seal, unredacted version of the Reply and the Supporting Exhibits.

Dated: May 8, 2025

Respectfully submitted,

/ Scott M. Border/
Scott M. Border (lead counsel)
Reg. No. 77,744
Winston & Strawn LLC
1901 L Street, N.W.
Washington, D.C. 20036
T: 202-282-5276
sborder@winston.com
WS-Cisco-InfoExpress@winston.com

Certificate of Service

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on this 8th day of May, 2025, I caused to be served a true and correct copy of the via electronic service on the following:

Lewis Roca Rothgerber Christie LLP
PO BOX 29001
Glendale, CA

Brian R. Michalek
SAUL EWING LLP
161 N. Clark St., Suite 4200
Chicago, IL 60601

InfoExpress, Inc.
2975 Bowers Ave #323
Santa Clara, CA 95051

with a Courtesy Copy by electronic mail to Patent Owner's Litigation Counsel: Tosti, Jacob A. jacob.tosti@saul.com; Michalek, Brian R. brian.michalek@saul.com; Grabenstein, Casey Casey.Grabenstein@saul.com; Schwerin, Andrew andrew.schwerin@saul.com; Kuo, Joseph M. joseph.kuo@saul.com; mflynnobrien@bdiplaw.com; bentzminger@bdiplaw.com

Dated: May 8, 2025

Respectfully Submitted,
/Scott M. Border/
Scott M. Border
Reg. No. 77,744
Winston & Strawn LLC
1901 L Street, N.W.
Washington, D.C. 20036
T: 202-282-5054
sborder@winston.com