UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC. and FORTINET, INC.,
Petitioners,

v.

INFOEXPRESS INC.,
Patent Owner.

IPR2024-00678
U.S. Patent No. 8,117,645

PATENT OWNER'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 and the Board's Order (Paper 9), Patent Owner respectfully submits this Patent Owner's Unopposed Motion to File Under Seal, requesting thatthe following information remain under seal:

- portions of Patent Owner's Preliminary Response (Original at Paper 7; Redacted at Paper 8); and
- Exhibits EX2003, EX2004, EX2007, EX2009, EX2011-EX2271, EX2273-EX2283, EX2285, EX2287-EX2340, EX2342-EX2382, EX2384-EX2390, EX2395-EX2397, and EX2399-EX2410 (collectively, "the Supporting Exhibits") filed therewith.

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

Patent Owner 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 documentsand information identified herein.

I. <u>Good Cause</u>

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 remainunder seal.

Patent Owner has filed an under-seal POPR and a public, redacted version of that Response. The redacted portions on pages 43 and 45-52 contain confidential information regarding Patent Owner's development of the claimed invention. The Supporting Exhibits are the evidence cited in the redacted portions of the POPR.

This information fits within the kinds of information that theTrial Practice guide considers to be "confidential information," such as "confidential research, development, or commercial information." 77 Fed. Reg. 48756, 48760.

There is good cause for keeping the redacted information contained in Patent Owner's Response under seal. Publicly revealing the sensitive, competitive information could put Patent Owner at a disadvantage in the marketplace.

There is good cause for keeping these documents under seal.

II. <u>Certification of Conference</u>

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

Both Petitioners 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, Patent Owner hereby requests a conference call with the Board to discuss any concerns prior to the Board issuing a decision on the Motion.

IV. Conclusion

Patent Owner 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 POPR and the Supporting Exhibits.

Respectfully submitted,

Dated: July 30, 2024 Mailing address for all correspondence: Saul Ewing LLP Centre Square West 1500 Market Street, 38th Floor Philadelphia, PA 19102-2186	/Brian R. Landry/ Brian R. Michalek (Reg. No. 65,816) Saul Ewing LLP 161 North Clark Street, Suite 4200 Chicago, IL 60601 Tel: (312) 876-7151 brian.michalek@saul.com Joseph M. Kuo (Reg. No. 38,943) Saul Ewing LLP 161 North Clark Street, Suite 4200 Chicago, IL 60601 Tel: (312) 876-7151 joseph.kuo@saul.com Brian Landry (Reg. No. 62,074) Saul Ewing LLP 131 Dartmouth Street, Suite 501 Boston, MA 02116 Tel: (617) 912-0969 Brian.Landry@saul.com Counsel for Patent Owner

Certification of Service Under 37 C.F.R. § 42.6(e)(4)

The undersigned hereby certifies that the foregoing was served in its entirety by filing through the Patent Trial and Appeal Board P-TACTS, as well as providing a courtesy copy via e-mail to the attorneys of record.

Date: July 30, 2024

/Brian R. Landry/
Reg. No. 62,074