

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

URT Umwelt und Recyclingtechnik GmbH,
Petitioner,

v.

Duesenfeld GmbH,
Patent Owner.

Case No. IPR2024-00887
U.S. Patent 11,050,097

UNOPPOSED MOTION TO SEAL

***Mail Stop* PATENT BOARD**

Patent Trial and Appeal Board
U.S. Patent Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I. INTRODUCTION

Petitioner respectfully requests that its Petitioner's Reply to Patent Owner's Response be sealed pursuant to 37 C.F.R. §§ 42.14 & 42.54(a). Patent Owner has indicated that it will not oppose this motion to seal.

Petitioner's Reply quotes from and/or discusses documents that Patent Owner sought to seal and for which an Order has not yet been issued. For example, Patent Owner filed a Motion to Seal Exhibits 2040, 2046-2047, and 2049-2050, as well as its Patent Owner's Response. *See* Paper 16. Petitioner did not oppose these materials being sealed. *Id.* Petitioner's Reply quotes, and/or discusses information from, these documents. Thus, sealing Petitioner's Reply would maintain consistency with the parties' positions. Moreover, Petitioner proposes redacting only several very limited portions of the Petitioner's Reply.

No Protective Order has been entered. However, Patent Owner previously proposed using the default Protective Order (*see* Paper 16), and Petitioner does not at this time oppose the default Protective Order being entered in this proceeding.

As covered below, the materials to be sealed include financial information, licensing agreements, and operating information that could potentially harm Patent Owner's competitive position and/or contravene an obligation of confidentiality to a third party.

Therefore, good cause exists for sealing the redacted portions of Petitioner's Reply.

II. LEGAL STANDARD

37 C.F.R. § 42.14 provides:

The record of a proceeding ... shall be made available to the public, except as otherwise ordered. A party intending a document or thing to be sealed shall file a motion to seal concurrent with the filing of the document or thing to be sealed. The document or thing shall be provisionally sealed on receipt of the motion and remain so pending the outcome of the decision on the motion.

“The rules aim to strike a balance between the public’s interest in maintaining a complete and understandable file history and the parties’ interest in protecting truly sensitive information.” *Consolidated Trial Practice Guide* (November 2019) at p. 19. “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.” *Id.* The moving party has the burden of proof in showing entitlement to the relief requested. 37 C.F.R. § 42.20(c). The standard for granting a motion to seal is good cause. 37 C.F.R. § 42.54(a).

III. ANALYSIS

A. Material to Be Sealed

Petitioner's Reply quotes from and/or discusses documents that Patent Owner sought to seal. For example, Petitioner filed a Motion to Seal Exhibits 2040, 2046-2047, and 2049-2050, as well as its Patent Owner's Response. *See* Paper 16. The Board has not yet ruled on Patent Owner's Motion to Seal these documents.

Petitioner proposes redacting only several limited portions of its Reply. In this regard, Petitioner is concurrently filing a separate, public version of its Reply, with those portions including confidential material redacted. The proposed redactions are highly targeted. The public can still understand the arguments and testimony.

Further details concerning the material to be sealed are provided below.

1. References to Exhibits 2046-2047

These exhibits include financial information. According to Patent Owner, these exhibits detail Patent Owner's non-public preliminary financial statements from 2021 and 2022. Patent Owner also asserts that it treats this information as confidential, and public disclosure would result in competitive harm to Patent Owner. Petitioner respectfully submits that there is good cause to seal its Reply because of the citations to Exhibits 2046-2047.

2. References to Exhibits 2049-2050

These exhibits include licensing agreements. According to Patent Owner, these exhibits are non-public license agreements between Patent Owner and a third party to whom Patent Owner is under confidentiality obligations. Petitioner respectfully submits that there is good cause to seal its Reply because of the citations to Exhibits 2049-2050.

3. References to Exhibit 2040

According to Patent Owner, Exhibit 2040 incorporates a set of graphs showing the temperature and pressure conditions in the dryer at Patent Owner's Wendeburg plant, as well as process information that Patent Owner asserts is confidential and/or constitutes trade secrets. Petitioner respectfully submits that there is good cause to seal its Reply because of the citations to Exhibit 2040.

4. References to Exhibit 2040

The Patent Owner's Reply cites to each of the exhibits discussed above. Thus, the same analysis as that presented above applies here, as well. Petitioner respectfully submits that there is good cause to seal its Reply because of the citations to the Patent Owner's Reply.

B. Entry of the Protective Order

As mentioned above, a Protective Order has yet to be entered. However, Patent Owner previously proposed using the default Protective Order (*see* Paper

16), and Petitioner does not at this time oppose the default Protective Order being entered in this proceeding.

IV. CONCLUSION

For the at least the reasons stated here, it is respectfully requested that Petitioner's Reply be filed under seal.

Respectfully Submitted,

Dated: May 7, 2025

/Brian Kauffman/

Brian Kauffman (Reg. No. 63,199)

Counsel for URT Umwelt und
Recyclingtechnik GmbH

CERTIFICATION OF SERVICE

The undersigned certifies that, pursuant to 37 C.F.R. §§ 42.6(e), a copy of this Motion to Seal was served on the Patent Owner, via email, at the following addresses:

scarlson@robinskaplan.com

slaroque@robinskaplan.com

rk-duesenfeld@robinskaplan.com

smith@smithbaluch.com

laughton@smithbaluch.com

Dated: May 7, 2025

/Brian Kauffman/

Brian Kauffman (Reg. No. 63,199)

Counsel for URT Umwelt und
Recyclingtechnik GmbH