

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AYLO FREESITES LTD,
Petitioner,

v.

DISH TECHNOLOGIES L.L.C.,
Patent Owner.

IPR2024-00941
Patent 11,991,234 B2

Before JOHN A. HUDALLA and JULIET MITCHELL DIRBA,
Administrative Patent Judges.

HUDALLA, *Administrative Patent Judge.*

ORDER
Granting Patent Owner's Motion to Seal
Entry of Default Protective Order
37 C.F.R. § 42.54

On September 12, 2024, DISH Technologies L.L.C. ("Patent Owner") filed a Motion to Seal (Paper 10, "Mot.") in conjunction with the filing of its Preliminary Response (*see* Paper 9).¹ With the motion, Patent Owner seeks

¹ Notably, Patent Owner filed its Preliminary Response publicly and without any restriction. *See* Paper 9.

to seal Exhibits 2001, 2031, 2032, 2033, 2049, 2050, 2055, 2056, 2057, 2071, 2078, and 2079. Mot. 2. Patent Owner also seeks entry of the Board’s Default Protective Order. *Id.* Patent Owner represents that Aylo Freesites Ltd (“Petitioner”) does not oppose Patent Owner’s motion. *Id.* at 2 n.1.

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 Patent Owner has established good cause to seal certain materials. Thus, for the reasons that follow, we grant Patent Owner’s motion to seal. We also enter the Board’s Default Protective Order in this proceeding.

Declaration of Dr. Kevin Jeffay (Ex. 2001)

Patent Owner seeks to seal certain redacted portions of the Declaration of Dr. Kevin Jeffay (Ex. 2001), which supports Patent Owner’s Preliminary Response. Mot. 3–5. Patent Owner also filed a public version of Dr. Jeffay’s declaration. *See* Ex. 2001 (public version). We have reviewed the redacted materials and find them to be tailored narrowly to

protect only confidential information. Thus, we grant Patent Owner's motion to seal as to the redacted information in Dr. Jeffay's declaration.

Emails Involving Move Networks (Exs. 2031–2033, 2049, 2057, 2071, 2078, and 2079)

Patent Owner seeks to seal certain redacted portions of various emails between Move Networks, a predecessor entity of Patent Owner's, and various third parties. Mot. 3–5. Patent Owner also seeks to seal the entirety of Exhibits 2049 and 2079. *Id.* at 4. Patent Owner explains that Exhibit 2049 is not amenable to redaction and Exhibit 2079 is confidential in its entirety. *Id.* We have reviewed the redacted materials and find them to be tailored narrowly to protect only confidential information. Thus, we grant Patent Owner's motion to seal as to the redacted information in Exhibits 2031–2033, 2057, 2071, and 2078. We also are satisfied by Patent Owner's explanation with respect to Exhibits 2049 and 2079. Thus, we grant Patent Owner's motion to seal as to the entirety of Exhibits 2049 and 2079.

Term Sheet and Non-Disclosure Agreements (Exhibits 2050, 2055, and 2056)

Patent Owner seeks to seal a term sheet (Ex. 2050) and two non-disclosure agreements involving third parties (Exs. 2055, 2056). Mot 4–5. We find these exhibits to contain confidential information about non-public business dealings with third parties. Thus, we grant Patent Owner's motion to seal as to the entirety of Exhibits 2050, 2055, and 2056.

Entry of Default Protective Order

Patent Owner asks us to enter the Board's Default Protective Order (*see* Ex. 2088) to govern the treatment of confidential information in this proceeding. Mot. 2–3. Given that we find good cause to seal certain materials, we enter the Board's Default Protective Order in this proceeding.

ORDER

In consideration of the foregoing, it is hereby

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

FURTHER ORDERED that Patent Owner's motion to seal the redacted portions of Exhibits 2001, 2031–2033, 2057, 2071, and 2078, and the entirety of Exhibits 2049, 2050, 2055, 2056, and 2079, is *granted*.

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For PETITIONER:

Frank Gasparo
Ian Paquette
VENABLE LLP
fmgasparo@venable.com
igpaquette@venable.com

FOR PATENT OWNER:

Eliot Williams
Ali Dhanani
George Guy
Thomas Carter
BAKER BOTTS L.L.P.
eliot.williams@bakerbotts.com
ali.dhanani@bakerbotts.com
hop.guy@bakerbotts.com
thomas.carter@bakerbotts.com