

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARASHI VISION (U.S.) LLC (D/B/A INSTA360),
Petitioner,

v.

GOPRO, INC.,
Patent Owner

Case No. IPR2024-01165
U.S. Patent No. 10,958,840

PATENT OWNER'S MOTION TO SEAL

Under 37 CFR §§ 42.14 and 42.54, Patent Owner GoPro, Inc. submits this Motion to Seal its Patent Owner Response and certain exhibits, which are being filed under seal concurrently with this Motion. The parties previously filed a proposed Protective Order that the parties have stipulated to, both a redline over the default Protective Order (Exhibit 2050) and a clean version (Exhibit 2051). The parties had also previously filed a Motion to Seal requesting entry of the proposed Protective Order.

I. GOOD CAUSE EXISTS FOR SEALING

The Office Patent Trial Practice Guide provides that “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.” 77 Fed. Reg. 48,756, 48,760 (Aug. 14, 2012). Those 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.* (citing 37 C.F.R. §42.54).

Patent Owner’s Response and Exhibit 2018 cite, describe, and quote Exhibits 2024-2029, 2031-2041, and 2043-2047, which include portions of GoPro’s highly confidential SOURCE CODE, sensitive financial information and technical documents produced by GoPro and Petitioner in related ITC litigation. These Exhibits contain Patent Owner’s and Petitioner’s confidential business information, were

designated in that case as “Confidential Business Information Subject to Protective Order,” are subject to the applicable Protective Order from the parallel litigation and should be similarly protected here. These exhibits contain highly confidential and non-public information concerning technical, source code, business, financial, and strategy information of Patent Owner. Patent Owner guards such information closely and has not made, and does not intend to make, this information publicly available.

Thus, Exhibits 2018, 2024-2029, 2031-2041, and 2043-2047 qualify for protective order protection. Under the proposed Protective Order, these exhibits qualify for PROTECTIVE ORDER MATERIAL – ATTORNEYS’ EYES ONLY protection. The portions of Patent Owner’s Response and Exhibit 2018 that describe or quote these exhibits likewise qualify for the same protection. Accordingly, Patent Owner’s Response and 2018, 2024-2029, 2031-2041, and 2043-2047 should be sealed under 37 C.F.R. § 42.54. Patent Owner is filing a redacted version of its Response and Exhibit 2018 to the public docket.

II. CERTIFICATION OF NON-PUBLICATION

To the best of Patent Owner’s knowledge, the information sought to be sealed by this Motion has not been published or otherwise made publicly available.

III. CERTIFICATION OF MEET AND CONFER

Pursuant to 37 CFR §42.54, Patent Owner certifies that it has conferred with Petitioner and Petitioner does not oppose sealing of Exhibits 2026, 2040, 2041, and 2043-2047. Less than an hour before filing this motion, Patent Owner further

requested whether Petitioner would agree to the sealing of Exhibits 2024, 2025, 2027-2029, and 2031-2039, and is awaiting Petitioner's response. Because this motion to seal must be filed concurrently with the papers, out of an abundance of caution, Patent Owner is filing this motion before Petitioner's response. Patent Owner will update the Board following Petitioner's response.

IV. CONCLUSION

For the foregoing reasons, Patent Owner respectfully requests that the Board seal and protect the highly confidential information contained in Patent Owner's Response and Exhibits 2018, 2024-2029, 2031-2041, and 2043-2047.

Date: April 19, 2025

By: /James M. Glass/
James M. Glass (Reg. No. 46,729)
Lead Counsel for Patent Owner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on April 19, 2025, a complete and entire copy of the above document was provided by email to Petitioner by serving correspondence addresses of record as follows:

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Dated: April 19, 2025

/James M. Glass/
James M. Glass (Reg. No. 46,729)
Lead Counsel for Patent Owner