

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 Sur-Reply and a copy of a confidential Initial Determination from a parallel ITC proceeding (EX2052), 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 (EX2050) and a clean version (EX2051). 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 Sur-Reply and EX2052 cite, describe, quote, and include portions of GoPro’s highly confidential SOURCE CODE, sensitive financial information and technical documents produced by GoPro and Petitioner in related ITC litigation. The exhibit contains Patent Owner’s and Petitioner’s confidential business information, was designated in that case as “Confidential Business Information Subject

to Protective Order,” is subject to the applicable Protective Order from the parallel litigation and should be similarly protected here. The Sur-Reply and exhibit 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, EX2052 qualifies for protective order protection. Under the proposed Protective Order, the exhibit qualifies for PROTECTIVE ORDER MATERIAL – ATTORNEYS’ EYES ONLY protection. The portions of Patent Owner’s Sur-Reply that describe or quote EX2052, as well as previously sealed exhibits (EX1022, EX2018, EX2034) containing Patent Owner’s source code and internal development documents, likewise qualify for the same protection. Accordingly, Patent Owner’s Sur-Reply and EX2052 should be sealed under 37 C.F.R. § 42.54. Patent Owner is filing a redacted version of its Sur-Reply and EX2052 to the public docket. The redacted version of EX2052 is the redacted version of the Initial Determination that the ITC made available to the public.

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 the Sur-Reply and EX2052.

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 Sur-Reply and EX2052.

Date: September 4, 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 September 4, 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: September 4, 2025

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