

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SOLARIS OILFIELD SITE SERVICES OPERATING, LLC, and
SOLARIS OILFIELD SITE SERVICES PERSONNEL, LLC,
Petitioner,

v.

MASABA, INC.,
Patent Owner.

IPR2024-01179
Patent 11,780,689 B1

Before JAMES A. TARTAL, CARL M. DEFRANCO, and
ROBERT L. KINDER, *Administrative Patent Judges*.

DEFRANCO, *Administrative Patent Judge*.

ORDER

Granting Joint Motion for Entry of Protective Order
Granting Petitioner's Motion to Seal
35 U.S.C. § 316(a)(1); 37 C.F.R. §§ 42.14, 42.54

Solaris Oilfield Site Services Operating, LLC and Solaris Oilfield Site Services Personnel, LLC (collectively, “Solaris”) and Patent Owner Masaba, Inc. (“Masaba”) filed a Joint Motion for Entry of Protective Order (“Mot.”). *See* Paper 18. In the motion, the parties jointly seek entry of a stipulated protective order (Appendix A), whose terms they represent follow those of “the Office’s default protective order with only minor variations that do not impose any added burden on the Office.” *Id.* at 1. Pursuant to the protective order, Solaris later filed an Unopposed Motion to Seal, seeking to seal twelve exhibits from public disclosure, namely, Exhibits 1043, 1046, 1103, 1104, 1107, 1108, 1115, 1116, 1122–24, and 1129. *See* Paper 21.

There is a strong public policy in favor of making the record of *inter partes* reviews open to the public, especially given that such proceedings determine the patentability of claims in an issued patent and, consequently, affect the rights of the public. As such, the default rule is that all papers and exhibits filed in an *inter partes* review are open and available to the public; however, a party may file a motion for protective order and an accompanying motion to seal a particular paper or exhibit containing confidential information, and such paper or exhibit will be provisionally sealed pending the outcome of the motions. *See* 35 U.S.C. § 316(a)(1); 37 C.F.R. §§ 42.14, 42.54(a).

A party seeking to protect confidential information from public disclosure and maintain it under seal must show “good cause” for doing so. 37 C.F.R. § 42.54(a). Here, Solaris represents that the above-identified exhibits contain “sensitive business information—including that of a third party.” Paper 21, at 4. Solaris also submits a non-confidential redacted version of Exhibit 1115 to help with the public record. *Id.* at 2, n.1. Having

reviewed the parties' motions, we conclude that, for the reasons stated therein, good cause exists for entering the protective order and sealing the above-identified exhibits.

Accordingly, it is hereby:

ORDERED that the Joint Motion for Entry of Protective Order, as set forth in Appendix A of the Motion, is *granted*;

ORDERED that the Protective Order set forth in Appendix A of the joint motion is *entered* and shall govern the conduct of this proceeding with respect to any information placed under seal; and

ORDERED that Solaris's Motion to Seal is *granted*, and that Exhibits 1043, 1046, 1103, 1104, 1107, 1108, 1116, 1122–24, and 1129, as well as the unredacted version of Exhibit 1115, be placed under seal until further notice.

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