

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.

IPR2025-00017
Patent 10,529,052 B2

Before KIMBERLY MCGRAW, ROBERT L. KINDER, and
NABEEL U. KHAN, *Administrative Patent Judges*.

PER CURIAM.

ORDER
Granting Patent Owner's Motions to Seal
37 C.F.R. §§ 42.14, 42.54

On January 30, 2025, Patent Owner GoPro, Inc. (“Patent Owner”) filed Patent Owner’s Motion to Seal in this proceeding (Paper 8, “Motion”). Patent Owner also filed a proposed Protective Order. Ex. 2051. The proposed Protective Order is based on the Board’s default protective order, and contains certain revisions agreed to by the parties. Patent Owner also submitted a redline over the Board’s default Protective Order. Ex. 2050. The Motion seeks entry of the proposed stipulated Protective Order (Ex. 2051) and sealing of Patent Owner’s unredacted version of its Preliminary Response (Paper 6) and certain exhibits in their entirety. Motion 1. Patent Owner requests to seal Exhibits 2004 and 2015 and the unredacted version of Ex. 2001 (collectively, “the Exhibits”). *Id.*

Patent Owner “certifies that it has conferred with Petitioner to stipulate to a proposed Protective Order.” Motion 2. Patent Owner further states that “[t]he parties have met and conferred and agree with these revisions, which are intended to be consistent with the parties’ stipulated Protective Order from the parallel ITC investigation under which the protected information was originally produced.” *Id.* at 3. Petitioner has not filed any opposition.

As discussed below, we grant Patent Owner’s Motion to Seal and request for entry of the proposed stipulated Protective Order.

A party may move to seal confidential information including, *inter alia*, sensitive commercial information. 37 C.F.R. § 42.54. It is the movant’s burden to show good cause for sealing such information, and we balance the party’s asserted need for confidentiality with the strong public

interest in open proceedings. *Argentum Pharms. LLC v. Alcon Research, Ltd.*, IPR2017-01053, Paper 27 at 4 (PTAB Jan. 19, 2018) (informative).

Patent Owner provides a sufficient explanation for sealing the Exhibits and the relevant portions of Patent Owner's Preliminary Response. Motion 1–2. The Exhibits contain confidential business information, and the portions of Patent Owner's Preliminary Response that cite to and quote from the Exhibits similarly contain confidential business information. The confidential information is related to Patent Owner's technical, source code, business, financial, and strategy information. *Id.* at 2.

After reviewing the record, we are persuaded that good cause exists for sealing the Exhibits and portions of Patent Owner's Preliminary Response in this proceeding. Our review of the sealed version of Patent Owner's Preliminary Response persuades us that Patent Owner appropriately has limited the redactions in the public version to portions that reflect Petitioner's asserted confidential information. *Compare* Paper 6 (reflecting redacted material), with Paper 7 (redactions). We grant Patent Owner's Motion and enter the parties' proposed Protective Order.

We remind the parties that confidential information that is subject to a protective order ordinarily becomes public forty-five (45) days after denial of a petition to institute a trial (in the instant proceeding, on June 12, 2025). *See* the Patent Trial and Appeal Board's Consolidated Trial Practice Guide¹ (84 Fed. Reg. 64,280 (Nov. 21, 2019)), 21–22. There is an expectation that information will be made public when the existence of the information is referred to in a decision to deny a request to institute a review. *Id.* A party

¹ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

seeking to maintain the confidentiality of information, however, may file a motion to expunge confidential information from the record prior to the information becoming public in accordance with 37 C.F.R. § 42.56.

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motion to Seal (Paper 8) is *granted*;

FURTHER ORDERED that the confidential version of Patent Owner's Preliminary Response (Paper 6) and the confidential version of Exhibit 2001, as well as Exhibits 2004 and 2015, shall remain sealed and designated as "Parties and Board Only" until further notice;

FURTHER ORDERED that Patent Owner's request for entry of the proposed Protective Order (Ex. 2051) is *granted*.

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