UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JUMIO CORPORATION,
Petitioner,

v.

FACETEC, INC.,
Patent Owner.

Patent No. 10,776,471

Inter Partes Review No. IPR2025-00106

JOINT MOTION TO MAINTAIN CONFIDENTIAL INFORMATION UNDER SEAL

I. INTRODUCTION

Petitioner Jumio Corporation and Patent Owner FaceTec, Inc. (collectively, "the parties") hereby jointly move for an order (1) maintaining all documents containing confidential information in this proceeding under seal, and (2) extending the deadline to file a motion to expunge such documents to 45 days after conclusion of all appeals or, if no notice of appeal is filed, after expiration of the time period to file a notice of appeal.

Should the Board be disinclined to grant this Motion, the parties respectfully request a conference call with the Board to discuss the issues raised herein before any confidential information becomes irreversibly public.

II. BACKGROUND

Over the course of this proceeding, the parties have filed the following Motions to Seal (Papers 42, 50, 58, 63, 68, 71, 74, 77, 81), seeking to protect designated information in the following papers and exhibits:

- the confidential version of Patent Owner's Response (Paper 43) and confidential versions of certain exhibits thereto (Exs. 2051–2056, 2058, 2059, 2061, 2067, 2073, and 2083);
- designated information in Petitioner's Reply (Paper 52) and confidential versions of certain exhibits thereto (Exs. 1059, 1060, 1082);

- designated information in the confidential version of Patent Owner's Sur-reply (Paper 59);
- the confidential version of Exhibit A to Patent Owner's Motion to File Supplemental Information (Paper 64);
- the confidential version of Patent Owner's demonstratives (Paper 69);
- the confidential version of Petitioner's demonstratives (Paper 72);
- the confidential version of Patent Owner's opposition to Petitioner's demonstratives (Paper 75);
- the confidential version of Petitioner's opposition to Patent Owner's demonstratives (Paper 78); and
- the confidential version of Petitioner's opposition to Patent Owner's Motion to File Supplemental Information (Paper 82).

These Papers and Exhibits contain highly confidential information designated under the modified Protective Order (Exs. 1053, 1054) as "Protective Order Material—Attorney's Eyes Only." Specifically, the designated material includes Petitioner's and Patent Owner's sensitive and confidential information, including technical, business, financial, and strategy information. (Paper 42, 3–5; Paper 50, 1.)

The Board previously found good cause and granted the parties' respective Motions to Seal. (Paper 85.)

III. THE CONFIDENTIAL DOCUMENTS SHOULD REMAIN UNDER SEAL AND THE EXPUNGEMENT DEADLINE SHOULD BE EXTENDED

Good cause exists to maintain the sealed documents under seal and to extend the deadline for filing a motion to expunge until after the appeal period has either concluded or expired.

A. Legal Standard

Confidential information is protected from disclosure by statute. 35 U.S.C. § 316(a)(7). The Board's rules define "confidential information" as "trade secret or other confidential research, development, or commercial information." 37 C.F.R. § 42.2. A motion to seal may be granted "for good cause." 37 C.F.R. § 42.54(a). Good cause is present where, for example, the details of confidential business or commercial information are not central to the merits and the public's interest in accessing such information is minimal. *See* 37 C.F.R. § 42.54(a); Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,760 (Aug. 14, 2012). The Board has granted motions to expunge sealed materials where the Final Written Decision does not rely, or relies only minimally, on the confidential information, finding limited public interest and minimal impact on the record. *See, e.g.*, *Unverferth Mfg. Co. v. J&M Mfg. Co.*, IPR2015-00758, Paper 29 at 2 (P.T.A.B. Sept. 30, 2015) (granting the motion because the final decision did not rely upon the exhibit at issue and "the file and decision remain understandable in the absence of" the

exhibit).

B. The Expungement Deadline Should Be Extended To Account For The Appeal Period

Under the Office Patent Trial Practice Guide, sealed information subject to a protective order ordinarily becomes public 45 days after final judgment in a trial unless a motion to expunge is filed during that period. 77 Fed. Reg. at 48,761; *see also* 37 C.F.R. § 42.56. The Final Written Decision in this proceeding issued on June 2, 2026 (Paper 86), making the current deadline to file a motion to expunge July 17, 2026.

However, pursuant to 37 C.F.R. § 90.3(a)(1), a notice of appeal may be filed up to 63 days after the Board's final decision—here, August 4, 2026. The current expungement deadline thus falls *before* the appeal period expires, creating a risk that confidential information could become irreversibly public before either party has decided whether to appeal. Extension of the expungement deadline is necessary to prevent this result and to preserve the parties' rights with respect to their confidential information during any appeal.

C. Good Cause Supports Continued Sealing

Good cause exists to maintain the confidential documents under seal. The sealed materials consist principally of Patent Owner's sensitive financial and business information—including revenue figures, customer lists, and pricing

information—that was submitted in connection with Patent Owner's objective indicia of nonobviousness. Public disclosure of this information would cause competitive harm to Petitioner or Patent Owner while providing minimal benefit to the public, as the Final Written Decision is fully understandable from the public version of the record.

Accordingly, the parties respectfully submit that good cause exists and request that the Board maintain the following documents under seal: Patent Owner's Response (Paper 43) and certain confidential versions of exhibits to the same (Exs. 2059, 2061, 2051–2056, 2058, 2067, 2073, and 2083), designated information in Petitioner's Reply (Paper 52) and certain confidential versions of exhibits to the same (Exs. 1059, 1060, 1082), designated information in the confidential version of Patent Owner's Sur-reply (Paper 59), the confidential version of Exhibit A to Patent Owner's Motion to File Supplemental Information (Paper 64), the confidential version of Patent Owner's demonstratives (Paper 69), the confidential version of Petitioner's demonstratives (Paper 72), the confidential version of Patent Owner's opposition to Petitioner's demonstratives (Paper 75), the confidential version of Petitioner's opposition to Patent Owner's demonstratives (Paper 78), and the confidential version of Petitioner's opposition to Patent Owner's Motion to File Supplemental Information (Paper 82).

The parties also request that the Board extend the deadline to file a motion to

expunge such documents to 45 days after conclusion of all appeals or, if a notice of appeal is not filed, after expiration of the period to file a notice of appeal.

IV. CONCLUSION

For the reasons set forth above in detail, Petitioner and Patent Owner respectfully request that their Motion to maintain confidential information under seal and extend the deadline to file a motion to expunge be granted.

Dated: July 17, 2026

By: */Jean Nguyen/*

Jean Nguyen, Reg. No.: 71,051
MORRISON & FOERSTER LLP
707 Wilshire Blvd., Suite 6000
Los Angeles, CA 90017
Email: JNguyen@mofo.com
Tel: 213-892-5200

Counsel for Petitioner

Certificate of Service (37 C.F.R. § 42.6(e)(4))

I hereby certify that the attached JOINT MOTION TO MAINTAIN CONFIDENTIAL INFORMATION UNDER SEAL was served as of the below date via e-mail (by agreement) to the following counsel of record for Patent Owner:

Joshua L. Goldberg
Christopher C. Johns
Jason Stach
Chen Zang
Anthony Berlenbach
Kassandra M. Officer
Email: Joshua.Goldberg@finnegan.com
Email: Christopher.Johns@finnegan.com
Email: Jason.Stach@finnegan.com
Email: Chen.Zang@finnegan.com
Email: Anthony.Berlenbach@finnegan.com
Email: Kassandra.Officer@finnegan.com
Email: FaceTec-Jumio-IPRs@finnegan.com

Dated: July 17, 2026

/Jean Nguyen/
Jean Nguyen