UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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JUMIO CORPORATION,
Petitioner

v.

FACETEC, INC.,
Patent Owner

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Case IPR2025-00107

U.S. Patent No. 11,157,606

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**PATENT OWNER'S MOTION TO SEAL**

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## I. Introduction

Patent Owner requests that the confidential versions of the following be sealed under 37 C.F.R. §42.14:

- Patent Owner FaceTec's Response to Petition ("POR");
- Declaration Exhibit 2059 (Rose Declaration);
- Declaration Exhibits 2061 (Turk Declaration) and appendices; and
- Exhibits 2051-2056 (exemplary sessions of FaceTec's software), 2058 (sales transactions), 2067 (technical software explanation), 2073 and 2083 (services agreements).

FaceTec's POR and the above documents contain business and financial information that FaceTec (or Petitioner) has designated as "PROTECTIVE ORDER MATERIAL – ATTORNEYS' EYES ONLY" under the Protective Order granted by the Board on October 9, 2025. *See* Paper 40; Ex. 1054. To the extent possible, FaceTec has filed public versions of these documents that include narrowly tailored redactions, protecting the classified information.

The designated materials FaceTec seeks to seal include highly confidential business and financial information, including revenues, sensitive technical and software materials for FaceTec's software and products, including testing of that software. The materials relate to FaceTec's core business and would cause significant harm to FaceTec's competitive position if released to the public.

FaceTec also includes a request to seal information designated by Petitioner as PROTECTIVE ORDER MATERIAL – ATTORNEYS' EYES ONLY, namely agreements and related information between Petitioner and iProov.

FaceTec respectfully requests that this information be shielded from public view at least because of the status of the parties as competitors, the parties negotiated confidentiality provisions in the entered Protective Order, and the wide acceptance that highly sensitive and confidential business and financial information, such as that at stake here, should be afforded protections from disclosure.

Pursuant to 37 C.F.R. § 42.54, FaceTec certifies that it conferred in good faith with Petitioner regarding this motion, and Petitioner asked to review the documents before taking a position on this motion to seal.

## II. Identification of Confidential Information

The confidential information is contained in the following documents:

- POR in pages iii, 1-2, 5, 10, 12-16, 21, 24-26, 63-65, 68-71, and 76-77;
- Rose Declaration in pages 4, 5, 11-23, 28-35, and 40;
- Turk Declaration in pages 212, 215-216, and 220 and Appendices A-H; and
- Exhibits 2051-2056, 2058, 2067, 2073, and 2083.

## III. The Board Should Seal the POR and Confidential Exhibits

Good causes exists to allow FaceTec to file its POR and confidential exhibits under seal. The confidential material falls into three categories: (1) non-public financial information; (2) non-public business information; and (3) non-public business agreements.

Each of these categories contains highly sensitive, non-public, commercial information. Disclosure of such information would create an elevated risk of commercial or apparent harm to FaceTec (or in each category, to Petitioner and/or another party, iProov). The parties have conferred and the Board has entered a Protective Order to protect this type of confidential information. Moreover, FaceTec has submitted concurrent public versions of the POR and its confidential exhibits, striking the necessary balance between the public's interest in maintaining a complete and understandable record and the parties' interest in protecting truly sensitive information. 77 Fed. Reg. 48756, 48760, 48770 (Aug. 14, 2012).

Regarding the first category—confidential financial information—FaceTec requests that the Board seal its POR and Exhibits 2058 and 2059 which contains FaceTec's highly sensitive, non-public financial information, including sales and revenues. The information also includes sales information involving Petitioner.

Regarding the second category—business strategy information—FaceTec requests that the Board seal the POR and Exhibits 2051-2056, 2059 and

accompanying appendices, 2061 and accompanying appendices, and 2067, each of which contains FaceTec's highly sensitive business information involving FaceTec's technical and software descriptions and testing procedures (including confidential information relating to another party (*i.e.*, Exs. 2051-2056)).

Regarding the third category—business agreements—FaceTec requests that the Board seal the POR and Exhibits 2073 and 2083, containing business strategy and sensitive service agreements involving FaceTec, and 2083, containing Petitioner's confidential indemnity agreement with another party.

FaceTec has taken steps to guard against the disclosure of this information but relies on each category of information to show operation of FaceTec's commercial product, and to establish nexus and specific objective evidence as it relates to secondary considerations of non-obviousness. FaceTec also relies on evidence of Petitioner's indemnity agreement to establish that another party, iProov, is a real party in interest and is in privity with Petitioner.

For each of the above categories of information, the potential harm from disclosure of this information substantially outweighs the public's interest in a fully open record. This financial, technical, and business information is highly sensitive to FaceTec (and in the case of Exhibit 2083, to Petitioner) and the disclosure of such information could cause serious competitive harm, at the very

least by providing competitors with strategic and unfair advantage against FaceTec in the marketplace.

The Board should accordingly grant this motion.

## IV. Certification of Non-Publication

The undersigned counsel certifies the information sought to be sealed by this motion to seal has not, to their knowledge, been published or otherwise made public.

## V. Conclusion

For the reasons set forth above, Patent Owner respectfully requests that the Board grant this motion to seal.

Date: October 16, 2025

Respectfully submitted,

/Joshua L. Goldberg/
Joshua L. Goldberg
Reg. No. 59,369

## CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that the foregoing **PATENT OWNER'S MOTION TO SEAL** was served on October 16, 2025, via email directed to counsel of record for the Petitioner at the following:

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Dated: October 16, 2025

By: /Lisa C. Hines/
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