

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RØDE MICROPHONES, LLC and
FREEDMAN ELECTRONICS PTY LTD,
Petitioner,

v.

ZAXCOM, INC.,
Patent Owner.

IPR2025-00230 (Patent 7,711,443 B1)
IPR2025-00232 (Patent 10,276,207 B1)¹

Before JUSTIN T. ARBES, MIRIAM L. QUINN, and
STEPHEN E. BELISLE, *Administrative Patent Judges*.

QUINN, *Administrative Patent Judge*.

ORDER
Granting Patent Owner's Motion for Protective Order
37 C.F.R. § 42.54

¹ This Order addresses issues pertaining to the captioned cases. Therefore, we exercise our discretion to issue one Order to be filed in each case.

INTRODUCTION

Patent Owner filed a Motion for Protective Order (Paper 39 in IPR2025-00230 and Paper 38 in IPR2025-00232, the “Motion” or “Mot.”).² Patent Owner represents that Petitioner does not oppose the Motion. Mot. at 1. Patent Owner also represents that the parties “wish to align the protective order for this IPR with the protective order in place in the [district court litigation] to align document production between proceedings.” *Id.* at 1–2. The Motion explains the deviations from the Board’s default protective order, a redline of which has been provided as Appendix B. *Id.* A Proposed Protective Order is attached to the Motion as Appendix A.

ANALYSIS

“A party may file a motion to seal where the motion to seal contains a proposed protective order, such as the default protective order set forth in the Office Patent Trial Practice Guide,” and “[t]he Board may, for good cause, issue an order to protect a party or person from disclosing confidential information.” 37 C.F.R. § 42.54(a); *see* Patent Trial and Appeal Board Consolidated Trial Practice Guide (Dec. 2025), Appendix B (discussing in section (j) how parties may propose modifications to the Board’s default protective order), *available at* <https://www.uspto.gov/patents/ptab/trial-practice-guide>.

The Motion explains five changes from the default protective order. First, the Motion proposes adding a “HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL’S EYES ONLY” category of information. Mot. at 2. Patent Owner argues good cause exists for this change because it provides

² The Motions filed in each proceeding are identical. For ease of reference, we cite hereinafter the Motion filed in IPR2025-00230.

an additional level of protection for highly sensitive documents and aligns the Proposed Protective Order with the protective order in effect in co-pending district court litigation. *Id.* We determine that Patent Owner has shown good cause for this change.

Second, the Motion proposes clarification to the handling of confidential information, outlining obligations of parties with respect to the maintenance of confidential information for information technology (“IT”) personnel and to use efforts no less rigorous than the party uses to maintain the confidentiality of its own materials. *Id.* at 2–3. Patent Owner argues good cause exists for this change because IT personnel must have the ability to access and maintain all server locations in order to address any technological issues that may arise in addition to safeguarding the increased level of protection for the higher standard imposed by the added level of confidentiality. *Id.* We determine that Patent Owner has shown good cause for this change.

Third, the Motion refines procedures for sealing and designation of confidential information. Patent Owner argues good cause exists for this additional language due to Patent Owner’s intended use, at the time, of Petitioner’s confidential information in a Motion to Terminate and for sanctions (later filed as Paper 42). *Id.* at 3–4. We determine that Patent Owner has shown good cause for this change.

Fourth, the Motion also proposes adding a provision indicating that all discovery documents will be treated as “HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL’S EYES ONLY” by default until expiration of a 30-day designation period. *Id.* at 4. Patent Owner argues good cause exists for this change because it reinforces the two-tiered confidentiality system, facilitates more efficient document handling and review, and further aligns

the Proposed Protective Order with the protective order in the co-pending district court litigation. *Id.* We determine that Patent Owner has shown good cause for this change.

Fifth, the Proposed Protective Order also modifies the Acknowledgement for Access to Protective Order Material to clarify that the “Office” refers to the “U.S. Patent and Trademark Office” and that a retained expert is not a competitor, a consultant, or employed by either party. *See* Mot., App’x B. The Motion explains that good cause exists for this change because it adds clarity to the protective order and will avoid confusion particularly when the agreement is read by laypeople not familiar with the Office. Mot. at 5. Further, the Motion explains that the clarification concerning the retained expert is moved from the protective order itself to the Appendix, and does not materially change the terms of the default protective order. *Id.* Accordingly, we determine that good cause has been shown for the revisions to the Acknowledgement.

For these reasons, we grant the motion to enter the proposed protective order attached as Appendix A to the Motion (Paper 39). The parties’ pending motions to seal will be decided in due course.

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Patent Owner’s Motion for Protective Order is *granted*; and

FURTHER ORDERED that the Proposed Protective Order filed as Appendix A to the Motion (Paper 39 in IPR2025-00230 and Paper 38 in IPR2025-00232) is hereby entered in each proceeding accordingly.

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