

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

ZAXCOM, INC.,  
Patent Owner.

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IPR2025-00231  
Patent 7,929,902 B1

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Before JUSTIN T. ARBES, MIRIAM L. QUINN, and  
MATTHEW J. McNEILL, *Administrative Patent Judges*.

McNEILL, *Administrative Patent Judge*.

ORDER

Denying Patent Owner's Motion for Protective Order  
*37 C.F.R. § 42.54*

## INTRODUCTION

On May 27, 2025, Patent Owner filed a Motion for Protective Order (Paper 14, the “Motion”). Patent Owner represents that Petitioner does not oppose the Motion. Paper 14 at 1. Patent Owner also represents that the parties have negotiated and jointly agreed to the terms of the Proposed Protective Order, which deviates from the Board’s default protective order. *Id.* The Motion includes a copy of the Proposed Protective Order attached as Appendix A. Paper 14. The Motion also includes a redlined copy of the Proposed Protective Order showing deviations from the default protective order attached as Appendix B. *Id.*

## 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 (Nov. 2019), 19–20, 91–92, 115–116 (discussing proposed modifications to the Board’s default protective order), *available at* <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

The Motion discusses five changes from the default protective order. First, the Motion proposes adding a “HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL’S EYES ONLY” category of information. Paper 14 at 2. Patent Owner argues good cause exists for this change because it provides 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.

The Motion also proposes adding additional procedures for sealing and designating confidential information, allowing both the proffering party and party whose confidential information is at issue the opportunity to file motions to seal. *Id.* at 3. Patent Owner argues good cause exists for this change because of Patent Owner’s intended use of Petitioner’s confidential information in an upcoming motion. *Id.* at 3–4. We determine that Patent Owner has shown good cause for this change.

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.

The Motion also proposes changing provisions regarding the handling of confidential information, including modifying Section 4.A to add an exception relating to information technology personnel and modifying Section 4.B to clarify a party’s obligation to maintain the confidentiality of its own materials. *Id.* at 2. The Motion does not specifically argue that good cause exists for these changes. *See id.*

The Motion also proposes modifying Section 4.D, limiting copying of information to a reasonable number of “printed” copies instead of a reasonable number of copies, and requiring shredding of such printed copies. *Id.* at 2–3. The proposed modification to Section 4.D has the potential to impact the Board and its operations and the Motion does not explain why

this modification is necessary. *See* Paper 14. Accordingly, we determine that good cause has not been shown for the proposed modification to Section 4.D.

The Proposed Protective Order also modifies the Acknowledgement for Access to Protective Order Material such that the party signing the acknowledgement agrees to submit to the jurisdiction of the United States District Court for the District of Delaware instead of the United States District Court for the Eastern District of Virginia. *See* Paper 14, App'x B. The Motion does not address this change or explain why it is necessary. Accordingly, we determine that good cause has not been shown for the proposed modification to the jurisdiction provision of the Acknowledgement.

For these reasons, we deny the motion to enter the proposed protective order attached as Appendix A to the Motion. Patent Owner is authorized to file a revised motion for protective order that either (1) removes the changes for which no good cause has been shown, or (2) shows good cause for such changes.

#### ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Patent Owner's Motion for Protective Order is *denied*.

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