

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

X CORPORATION,
Petitioner,

v.

STERLING COMPUTERS CORPORATION,
Patent Owner.

Case No. IPR2025-00299
U.S. Patent No. 7,716,217

**PETITIONER'S MOTION TO SEAL AND FOR ENTRY OF DEFAULT
PROTECTIVE ORDER**

I. INTRODUCTION

At the request of Sterling Computers Corporation (“Patent Owner”), X Corp. (“Petitioner”) hereby moves to seal Exhibit 1049 Rough Deposition Transcript of Justin Marston, November 11, 2025 submitted with the Petitioner’s Authorized Request for Additional and Routine Discovery on November 13, 2025. Patent Owner contends that good cause exists to seal this document because Patent Owner represents that it contains confidential business information that would significantly harm its competitive position if made public.

II. AUTHORIZATION FOR THIS MOTION

Prior Board authorization is not required for “motions where it is impractical for a party to seek prior Board authorization.” Consolidated Trial Practice Guide (Nov. 20, 2019) (the “Consolidated Trial Practice Guide”), p. 37. These include motions to seal.” *Id.*

III. CERTIFICATE OF CONFERENCE

Under 37 C.F.R. § 42.54, Petitioner, through the undersigned, hereby certifies that it has conferred with Patent Owner through counsel on November 13, 2025 in good faith regarding this motion. Patent Owner does not oppose Petitioner’s Motion to Seal and has agreed to entry of the Default Protective Order.

IV. GOOD CAUSE EXISTS FOR SEALING EXHIBIT 1049

The Board may issue protective orders for good cause to protect a party from

disclosing confidential information. Consolidated Trial Practice Guide, pp. 19-20; 37 C.F.R. §§ 42.54-55. In deciding whether to grant a motion to seal, the Board must find “good cause,” and must “strike a balance between the public’s interest in maintaining a complete and understandable file history and the parties’ interest in protecting truly sensitive information.” *Garmin International, Inc. et al. v. Cuozzo Speed Technologies LLC*, IPR2012-00001, Paper 36 at 4 (P.T.A.B. April 5, 2013). “Confidential Information” is identified in a manner consistent with Fed. R. Civ. P. 26(c)(1)(G), “which provides for protective orders for trade secret or other confidential research, development, or commercial information.” *Id.*

The standard for granting a motion to seal is “for good cause.” 37 C.F.R. §§ 42.20(c), 42.54(a). Good cause for sealing material can be established by demonstrating that the balance of the following considerations favors sealing the material: whether (1) the information sought to be sealed is truly confidential, (2) a concrete harm would result upon public disclosure, (3) there exists a genuine need to rely in the trial on the specific information sought to be sealed, and (4), on balance, an interest in maintaining confidentiality outweighs the strong public interest in having an open record. *Argentum Pharm. LLC v. Alcon Rsch., Ltd.*, IPR2017-01053, Paper 27 at 2–3 (PTAB Jan. 19, 2018) (informative); see also *Corning Optical Communications RF, LLC, v. PPC Broadband, Inc.*, IPR2014- 00440, Paper 47 at 3 (PTAB Apr. 14, 2015).

Here, Patent Owner contends that Exhibit 1049 contains confidential information. Exhibit 1049 is a rough deposition transcript of inventor Justin Marston. Patent Owner contends the transcript includes Confidential Business Information of Patent Owner. Patent Owner contends that good cause exists because the balance of the Argentum factors favors sealing Exhibit 1049.

Patent Owner contends the information it seeks to seal is confidential. The information Patent Owner seeks to protect purportedly involves Patent Owner's confidential business information on previous transactions. Patent Owner represented to Petitioner that it may be adversely affected by public disclosure of commercial information to the public and to Petitioner's competitors. Petitioner takes no position on whether the information is confidential.

The information that is sought to be sealed is pertinent to the *inter partes* review since it contains the rough deposition transcript of the inventor, Justin Marston, for the patent at issue. The deposition transcript addresses several issues in the current proceeding.

V. MOTION FOR ENTRY OF THE DEFAULT PROTECTIVE ORDER

Pursuant to 37 C.F.R. § 42.54, Petitioner certifies that it has conferred with Patent Owner through counsel on November 13, 2025, who has agreed to entry of the Default Protective Order. Petitioner respectfully requests entry of the Board's Default Protective Order as set forth in Appendix B of the Consolidated Trial

Practice Guide (attached here as Appendix A).

VI. CONCLUSION

For the foregoing reasons, Petitioner requests that the Board enter the Default Protective Order. Based on representations from the Patent Owner, Petitioner also requests that the Board grant this Motion.

Dated: November 13, 2025

Respectfully Submitted,

/s/David Okano

David Okano

(Reg. No. 66,657)

WHITE & CASE LLP

3000 El Camino Real

2 Palo Alto Square Suite 900,

Palo Alto, CA 94306

david.okano@whitecase.com

Telephone: (650) 213-0363

Attorney for Petitioner X Corp.

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §42.6(e), I hereby certify that on this 13th day of November, 2025, I caused to be served a true and correct copy of the foregoing and any accompanying exhibits by express mail on the following counsel:

PADMANABHAN & DAWSON, PLLC
Attn: Britta Loftus & Sri Sankaran
9800 Shelard Parkway, Suite 120
Minneapolis, MN 55441

Dated: November 13, 2025

Respectfully Submitted,
/s/David Okano
David Okano
(Reg. No. 66,657)
WHITE & CASE LLP
3000 El Camino Real
2 Palo Alto Square Suite 900,
Palo Alto, CA 94306
david.okano@whitecase.com
Telephone: (650) 213-0363

Attorney for Petitioner X Corp.

APPENDIX A

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

X CORPORATION,
Petitioner,

v.

STERLING COMPUTERS CORPORATION,
Patent Owner.

Case No. IPR2025-00299
U.S. Patent No. 7,716,217

DEFAULT PROTECTIVE ORDER

This protective order governs the treatment and filing of confidential information, including documents and testimony.

(1) Confidential information shall be clearly marked “PROTECTIVE ORDER MATERIAL.”

(2) Access to confidential information is limited to the following individuals who have executed the acknowledgment appended to this order:

(A) Parties. Persons who are owners of a patent involved in the proceeding and other persons who are named parties to the proceeding.

(B) Party Representatives. Representatives of record for a party in the proceeding.

(C) Experts. Retained experts of a party in the proceeding who further certify in the Acknowledgement that they are not a competitor to any party, or a consultant for, or employed by, such a competitor with respect to the subject matter of the proceeding.

(D) In-house counsel. In-house counsel of a party.

(E) Support Personnel. Administrative assistants, clerical staff, court reporters, and other support personnel of the foregoing persons who are reasonably necessary to assist those persons in the proceeding. Such support personnel

shall not be required to sign an Acknowledgement, but shall be informed of the terms and requirements of the Protective Order by the person they are supporting who receives confidential information.

(F) The Office. Employees and representatives of the U.S. Patent and Trademark Office who have a need for access to the confidential information shall have such access without the requirement to sign an Acknowledgement. Such employees and representatives shall include the Director, members of the Board and staff, other Office support personnel, court reporters, and other persons acting on behalf of the Office.

(3) Employees (e.g., corporate officers), consultants, or other persons performing work for a party, other than those persons identified in (d)(2)(A)–(E), shall be extended access to confidential information only upon agreement of the parties or by order of the Board upon a motion brought by the party seeking to disclose confidential information to that person and after signing the Acknowledgment. The party opposing disclosure to that person shall have the burden of proving that such person should be restricted from access to confidential information.

(4) Persons receiving confidential information shall take reasonable care to maintain the confidentiality of that information, including:

- (A) Maintaining such information in a secure location to which persons not authorized to receive the information shall not have access;
 - (B) Otherwise using reasonable efforts to maintain the confidentiality of the information, which efforts shall be no less rigorous than those the recipient uses to maintain the confidentiality of information not received from the disclosing party;
 - (C) Ensuring that support personnel of the recipient who have access to the confidential information understand and abide by the obligation to maintain the confidentiality of information received that is designated as confidential; and
 - (D) Limiting the copying of confidential information to a reasonable number of copies needed to conduct the proceeding and maintaining a record of the locations of such copies, which similarly must be kept secure.
- (5) Persons receiving confidential information shall use the following procedures to maintain confidentiality of documents and other information—
- (A) Documents and Information Filed With the Board.
 - (i) A party may file documents or information with the Board along with a Motion to Seal. The Motion to Seal should provide a non-confidential description of the nature of the confidential

information that is under seal, and set forth the reasons why the information is confidential, or if the information has been designated as confidential by the opposing party, that party shall set forth the reasons why the information redacted is confidential and should not be made available to the public. A party may challenge the confidentiality of the information by opposing the Motion to Seal. The documents or information shall remain under seal unless the Board determines that some or all of it does not qualify for confidential treatment.

- (ii) Where confidentiality is alleged as to some but not all of the information submitted to the Board, the submitting party shall file confidential and non-confidential versions of its submission, together with a Motion to Seal the confidential version setting forth the reasons why the information redacted from the non-confidential version is confidential, or if the information has been designated as confidential by the opposing party, that party shall set forth the reasons why the information redacted is confidential and should not be made publicly available. A party may challenge the confidentiality of the information by opposing the Motion to Seal. The non-confidential version of the submission shall clearly

indicate the locations of information that has been redacted. The confidential version of the submission shall be filed under seal.

The redacted information shall remain under seal, unless the Board determines that some or all of the redacted information does not qualify for confidential treatment.

(B) Documents and Information Exchanged Among the Parties. Documents (including deposition transcripts) and other information designated as confidential that are disclosed to another party during discovery or other proceedings before the Board shall be clearly marked as “PROTECTIVE ORDER MATERIAL” and shall be produced in a manner that maintains its confidentiality.

(6) Within 60 days after the final disposition of this action, including the exhaustion of all appeals and motions, each party receiving confidential information must return, or certify the destruction of, all copies of the confidential information to the producing party.

X CORPORATION, V. STERLING COMPUTERS CORPORATION,
Case No. IPR2025-00299
U.S. Patent No. 7,716,217

Standard Acknowledgment for Access to Protective Order Material

I _____, affirm that I have read the Protective Order; that I will abide by its terms; that I will use the confidential information only in connection with this proceeding and for no other purpose; that I will only allow access to support staff who are reasonably necessary to assist me in this proceeding; that prior to any disclosure to such support staff I informed or will inform them of the requirements of the Protective Order; that I am personally responsible for the requirements of the terms of the Protective Order and I agree to submit to the jurisdiction of the Office and the United States District Court for the Eastern District of Virginia for purposes of enforcing the terms of the Protective Order and providing remedies for its breach.

Executed on _____, 20____

[Signature]_____