

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

I. INTRODUCTION

At the request of Sterling Computers Corporation (“Patent Owner”), X Corp. (“Petitioner”) hereby moves to seal Exhibit 1050 (Final Deposition Transcript of Justin Marston, November 11, 2025), Exhibit 1052 (BlueSpace Investment Presentation, December 2005), and Exhibit 1071 (Email From B. Hoffmann, January 12 2006), submitted with Petitioner’s Reply (Paper 36) on December 17, 2025.

Previously, the Board entered the Board’s Default Protective Order. *See* Paper 32. The Board also granted a Motion to Seal Exhibit 1049 (Rough Deposition Transcript of Justin Marston), containing the similar redaction as Exhibit 1050. *See* Paper 32. Patent Owner contends that good cause exists to seal the redacted portions of Exhibit 1050, 1052, and 1071 because, according to Patent Owner, these documents contain confidential business information or personally identifying information (personal phone numbers) that would significantly harm its competitive position or the privacy of certain individuals 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 from December 9 to 16, 2025 in good faith regarding this motion. Patent Owner requests Petitioner file this Motion to Seal. *See* Paper 32. Petitioner does not oppose sealing the redacted portions of Exhibit 1050, 1052, and 1071.

IV. GOOD CAUSE EXISTS FOR SEALING THE EXHIBITS

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).

Patent Owner contends that Exhibit 1050, 1052, and 1071 contain confidential information and personally identifying information (personal cell phone number). Exhibit 1050 is the final deposition transcript of inventor Justin Marston. The Board previously sealed similar redactions in the Rough Transcript (EX1049). *See* Paper 32. The redacted portions of Exhibit 1050 (Final Transcript) should be sealed for the same reason.

Exhibit 1052 is BlueSpace’s (original assignee) business presentation. Patent Owner contends that Exhibit 1052 contains a “personal cell phone number.”

Exhibit 1071 is an email between B. Hoffman and J. Marston. Patent Owner contends that Exhibit 1071 “contains confidential communications between BlueSpace and its counsel.”

Patent Owner contends Exhibits 1050 and 1071 include Confidential Business Information and Exhibit 1052 contains the personal identifying information. Patent

Owner contends that good cause exists because the balance of the *Argentum* factors favors sealing the exhibits.

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 and personal information. Patent Owner represented to Petitioner that it may be adversely affected by public disclosure of commercial information to the public and to Patent Owner'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 final deposition transcript of the inventor, Justin Marston (EX1050), documents attached to the deposition transcript (EX1052) and an email relied on by Patent Owner (EX1071).

V. CONCLUSION

Based on representations from the Patent Owner, Petitioner requests that the Board grant this Motion.

Dated: December 17, 2025

Respectfully Submitted,

/s/David Okano

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §42.6(e), I hereby certify that on this 17th day of December, 2025, I caused to be served a true and correct copy of the foregoing and any accompanying exhibits by email on the following counsel:

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Dated: December 17, 2025

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