

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FREIGHTCAR AMERICA, INC.,
Petitioner,

v.

NATIONAL STEEL CAR LIMITED,
Patent Owner.

IPR2025-01046
Patent 8,166,892 B2

Before HYUN J. JUNG, NEIL T. POWELL, and
RICHARD H. MARSCHALL, *Administrative Patent Judges*.

POWELL, *Administrative Patent Judge*.

ORDER
Granting Patent Owner's Motion to Seal
37 C.F.R. § 42.14

Patent Owner filed a Motion to Seal. Paper 38 (“Motion” or “Mot.”). Patent Owner moves to seal Exhibit 2048, along with Paper 39, which is Patent Owner’s Response. Mot. 1–2. Petitioner does not oppose.

The standard for granting a motion to seal is “for good cause.” 37 C.F.R. § 42.54(a). The moving party bears the burden to show entitlement to the requested relief and to establish that the information sought to be sealed is confidential information. *Id.* § 42.20(c). The “good cause” standard for granting a motion to seal reflects the strong public policy for making all information in an inter partes review open to the public.

Argentum Pharms. LLC v. Alcon Rsch., Ltd., IPR2017-01053, Paper 27 at 3 (PTAB Jan. 19, 2018) (informative).

Patent Owner explains that the documents it seeks to seal contain “proprietary and highly sensitive information including internal communications and business processes from both Patent Owner and Petitioner.” Mot. 2. Elaborating that the parties “have not publicly disclosed the information that Patent Owner requests to be sealed,” Patent Owner adds that disclosing this information would reveal “the parties’ business dealings and strategies” to the public. *Id.* at 5. Patent Owner persuades us that good cause exists to seal its Response and Exhibit 2048.

As a reminder, confidential information that is subject to a protective order ordinarily becomes public forty-five (45) days after final judgment in a trial. Consolidated Trial Practice Guide¹ at 21–22. After final judgment in a trial, a party may file a motion to expunge confidential information from the

¹ USPTO, Patent Trial and Appeal Board Consolidated Trial Practice Guide November 2019, <https://www.uspto.gov/TrialPracticeGuideConsolidated> (“TPG”).

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record prior to the information becoming public in accordance with 37 C.F.R. § 42.56.

It is

ORDERED that Patent Owner's Motion to Seal is *granted*; and

FURTHER ORDERED that Paper 39 and Exhibit 2048 are *sealed*.

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