

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZESTY.AI, INC.
Petitioner,

v.

AON RE, INC.
Patent Owner.

Case No. IPR2025-01359
U.S. Patent No. 11,195,058

**PATENT OWNER'S MOTION TO SEAL AND
FOR ENTRY OF DEFAULT PROTECTIVE ORDER
UNDER 37 C.F.R. §§ 42.14 & 42.54**

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Patent Owner moves for entry of the attached Default Protective Order (*see* Appendix A) and to seal Exhibits 2007, 2011, and 2017 and portions of Patent Owner's Request for Discretionary Denial.

I. INTRODUCTION

Patent Owner respectfully seeks to seal Exhibits 2007, 2011, and 2017 in their entirety. As explained below, these documents include confidential licensing communications between the parties that require a protective order. Further, good cause exists to seal Exhibits 2007, 2011, and 2017 and portions of Patent Owner's Request for Discretionary Denial. Petitioner was contacted and does not oppose either the entry of the default protective order nor this motion to seal.

II. REQUEST TO SEAL

Patent Owner asks the Board to seal Exhibits 2007, 2011, and 2017 and portions of Patent Owner's Request for Discretionary Denial. The portions which Patent Owner seeks to seal have been redacted from the publicly filed version of Patent Owner's Request for Discretionary Denial.

A. Governing Rules and PTAB Guidance

Under 35 U.S.C. § 316(a)(1), all papers and documents filed in an *inter partes* review are open and publicly available by default. However, a motion to seal may be filed with a party's confidential paper or document, and the information at issue is treated as sealed pending the outcome of the motion. 35 U.S.C. § 316(a)(1). Only

“confidential information” is protected from disclosure. 35 U.S.C. § 316(a)(7) (“The Director shall prescribe regulations . . . providing for protective orders governing the exchange and submission of confidential information”). In that regard, the Consolidated Trial Practice Guide (“CTPG”)¹ provides:

The rules aim to 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.

. . .

Confidential Information: The rules identify confidential information in a manner consistent with Federal Rule of Civil Procedure 26(c)(1)(G), which provides for protective orders for trade secret or other confidential research, development, or commercial information. 37 C.F.R. § 42.54.

CTPG at 19.

The standard for granting a motion to seal is “good cause.” 37 C.F.R. § 42.54. “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 Pharm. LLC v. Alcon Res., Ltd.*, IPR2017-01053, Paper 27 at 3 (PTAB Jan. 19, 2018) (informative).

¹ PTAB Consolidated Trial Practice Guide (Nov. 2019), available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

B. Good Cause Exists to Seal

Good cause exists to seal Exhibits 2007, 2011, and 2017 and portions of Patent Owner's Request for Discretionary Denial as it relates to licensing communications exchanged between Patent Owner and Petitioner. Such communications were understood to be confidential and should remain sealed.

The sealed documents or sealed portions thereof neither relate to the merits of Petitioner's unpatentability arguments nor affect the otherwise complete and understandable file history of this proceeding and are limited to the confidential licensing communications between the parties. As such, the public's interest in accessing such information is minimal, if any. *See Garmin Int'l, Inc. v. Cuozzo Speed Techs. LLC*, IPR2012-00001, Paper 37 at 8-9 (PTAB Apr. 5, 2013) (finding that the public's interest in having access to a party's confidential business information, not related to patent validity, is "minimal").

III. CERTIFICATION OF NON-PUBLICATION

Petitioner and Patent Owner have both taken appropriate steps to maintain the confidentiality of the above-referenced information.

IV. CERTIFICATION OF CONFERENCE WITH COUNSEL FOR PATENT OWNER PURSUANT TO 37 CFR § 42.54

The undersigned has conferred in good faith with counsel for Petitioner and has reached an agreement as to this Motion and the confidentiality of Exhibits 2007, 2011, and 2017 and portions of Patent Owner's Request for Discretionary Denial.

Additionally, the parties have agreed to adopt the Default Protective Order set forth in the Board's Trial Practice Guide.

V. PROTECTIVE ORDER

Petitioner and Patent Owner request entry of the Default Protective Order found in the Board's Consolidated Trial Practice Guide and attached hereto as Appendix A.

VI. CONCLUSION

For the foregoing reasons, Patent Owner respectfully requests that Exhibits 2007, 2011, and 2017 and portions of Patent Owner's Request for Discretionary Denial be placed under seal by the Board.

Dated: October 3, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document, along with any supporting document(s), was served in its entirety by filing through the Patent Trial and Appeal Case Tracking System (P-TACTS) as well as providing a courtesy copy via e-mail to the following attorneys of record for the Petitioner listed below:

Lead Counsel: Daniel S. Block
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Dated: October 3, 2025

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APPENDIX A

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DEFAULT PROTECTIVE ORDER

The following Default Protective Order will govern the filing and treatment of confidential information in the proceeding:

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 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 United States 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 their clerical staff, other 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 above 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 use reasonable efforts to maintain the confidentiality of the 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 for conduct of the proceeding and maintaining a record of the locations of such copies.

5. Persons receiving confidential information shall use the following procedures to maintain the confidentiality of the 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 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 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 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.

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**STANDARD ACKNOWLEDGMENT FOR ACCESS
TO PROTECTIVE ORDER MATERIAL**

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.

[Signature]