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Paper: 15
Date: July 20, 2026

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

HEADWATER RESEARCH LLC,
Patent Owner.

IPR2026-00203
Patent 9,232,403 B2

Before HYUN J. JUNG, SHARON FENICK, and STEPHEN E. BELISLE, *Administrative Patent Judges.*

BELISLE, *Administrative Patent Judge*.

ORDER
Conditionally Granting Patent Owner's Motion to Seal
Denying Patent Owner's Motion for Entry of Protective Order
Entering the Board's Default Protective Order
Conduct of the Proceeding
37 C.F.R. §§ 42.5, 42.14, 42.54

I. INTRODUCTION

Patent Owner filed a motion to seal in this case, which seeks to seal Exhibit 2001 (patent license agreement). Paper 7 ("Motion to Seal"). In its Motion to Seal, Patent Owner included a one-sentence proposed protective order (Paper 7, Ex. A), which we consider to be Patent Owner's motion for entry of that proposed protective order ("Protective Order Motion"). Paper 7, 1. Patent Owner states that it "has offered to meet and confer in good faith with [Petitioner]" regarding this matter, but has not indicated that any such meet-and-confer occurred or whether Petitioner opposes these motions. Nonetheless, the time for Petitioner to oppose them has passed.

II. MOTION TO SEAL

The record of an *inter partes* review shall be made available to the public, except as otherwise ordered, and a document filed with a motion to seal shall be treated as sealed until the motion is decided. 35 U.S.C. § 316(a)(1); 37 C.F.R. § 42.14. Only "confidential information" may be protected against public disclosure. 35 U.S.C. § 316(a)(7); 37 C.F.R. § 42.54. The Board observes a strong public policy in favor of making information filed in *inter partes* review proceedings open to the public. *See Argentum Pharms. LLC v. Alcon Research, Ltd.*, IPR2017-01053, Paper 27 at 3–4 (PTAB Jan. 19, 2018) (informative).

The standard for granting a motion to seal is "good cause." 37 C.F.R. § 42.54(a). The moving party bears the burden of showing that the relief requested should be granted. 37 C.F.R. § 42.20(c). That includes a sufficient showing that

> (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, Paper 27 at 3–4; *see also Corning Optical Commc'ns RF, LLC v. PPC Broadband, Inc.*, IPR2014-00440, Paper 46 at 2 (PTAB April 6, 2015) (requiring a showing that information has not been "excessively redacted").

Patent Owner asserts that Exhibit 2001 is "a confidential license agreement subject to third-party confidentiality obligations," and "includes confidential business information of [Patent Owner] and third parties, and [Patent Owner] does not have authorization to publicly disclose the contents of Exhibit 2001." Paper 7, 1.

Upon review of Patent Owner's Motion to Seal (Paper 7) and Exhibit 2001, we are persuaded that good cause exists to seal this exhibit based on the record before us. However, as discussed below, we find Patent Owner's proposed protective order insufficient for this proceeding. Thus, we *conditionally grant* Patent Owner's Motion to Seal, subject to the parties submitting an agreed-upon proposed protective order pursuant to the Board's Trial Practice Guide ("TPG")[1] (*see* §§ I.E.3, I.E.4, App. B). In the meantime, we seal Exhibit 2001 pursuant to the Board's Default Protective Order with the additional restriction that, other than the Office as defined therein, Exhibit 2001 may be disclosed in this case only to each party's

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[1] Available at www.uspto.gov/patents/ptab/trial-practice-guide.

outside attorney(s) of record and the employees of such outside attorney(s) (*see* Paper 7, Ex. A).

III. PROPOSED PROTECTIVE ORDER

The Board may, for good cause, issue a protective order "to protect a party or person from disclosing confidential information." 37 C.F.R. § 42.54(a). A protective order is not entered by default but must be proposed by one or more parties and must be approved and entered by the Board. *See* TPG at I.E.4. The Trial Practice Guide sets forth specific guidelines on proposing a protective order and provides a Default Protective Order. *See* TPG at I.E.4, App. B; TPG (Nov. 2019, Oct. 2025) at 70–72 (Default Protective Order)[2]. The parties may propose modifications to the Default Protective Order and the Board will generally accept such proposed changes if they are consistent with the integrity and efficient administration of the proceedings. *See* TPG at App. B(j). For example, the parties may agree to provide additional tiers or categories of confidential information, such as "Attorneys' Eyes Only," and the Board will presumptively accept agreed-to changes that provide additional categories of confidentiality as long as they are reasonable and adequately define what types of materials are to be included in the additional categories. *Id.*

In this case, Patent Owner did not propose use of the Board's Default Protective Order or an agreed-upon modification thereof. Instead, Patent Owner submitted a one-sentence proposed protective order, which it

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[2] *See* TPG "Archive" for link.

characterized as mirroring a district court's "interim" protective order, but not the court's final protective order. *See* Paper 7, 1. Patent Owner's proposed protective order does not include terms required by the Trial Practice Guide (*see, e.g.*, App. B(d) ("Contents")), and on its face, does not even allow the Office (e.g., the Board) to access information deemed confidential by a party. Thus, we *deny* Patent Owner's Protective Order Motion, and provisionally enter the Board's Default Protective Order.

IV. ORDER

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motion to Seal (Paper 7) is *conditionally granted* as to Exhibit 2001, subject to the parties filing a renewed motion for entry of an agreed-upon proposed protective order pursuant to the Board's Trial Practice Guide within fifteen (15) days;

FURTHER ORDERED that Exhibit 2001 shall be *sealed* pursuant to the Board's Default Protective Order (Trial Practice Guide (Nov. 2019, Oct. 2025) at 70–72) with the additional restriction that, other than the Office as defined therein, Exhibit 2001 may be disclosed in this case only to each party's outside attorney(s) of record and the employees of such outside attorney(s);

FURTHER ORDERED that Patent Owner's Protective Order Motion (within Paper 7) is *denied*; and

FURTHER ORDERED that the Board's Default Protective Order (Trial Practice Guide (Nov. 2019, Oct. 2025) at 70–72) shall be *entered* into the record.

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