UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner,

v.

TOUTVIRTUAL, INC.,
Patent Owner.

Case IPR2026-00297
U.S. Patent No. 12,079,667

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

I. INTRODUCTION

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Patent Owner ToutVirtual, Inc. ("ToutVirtual") hereby moves to seal Exhibits attached to Patent Owner's Request for Discretionary Denial as identified below.

Filing	Content	Confidential Information
Patent Owner's Request for Discretionary Denial	Page 12[1]	Contains highly confidential information regarding Patent Owner's internal email correspondence.
Ex. 2002 Pabari Decl.	Pages 7-8	Contains highly confidential information regarding Patent Owner's internal email correspondence and business information.
Ex. 2019 ToutVirtual presentation	Patent Owner's confidential business information	Contains highly confidential information regarding Patent Owner's business information.
Ex. 2020 ToutVirtual E-mail	Patent Owner's confidential email correspondence	Contains highly confidential information regarding Patent Owner's internal email correspondence.

II. GOOD CAUSE EXISTS FOR SEALING THE CONFIDENTIAL INFORMATION

Under 35 U.S.C. § 316(a)(1), the default rule is that all papers filed in an *inter partes* review are open and available for access by the public, but a party may

[1] Redacted and unredacted versions of Patent Owner's Request for Discretionary Denial and Ex. 2002 have been filed.

file a concurrent motion to seal and the information at issue is sealed pending the outcome of the motion.

In particular, 37 C.F.R. § 42.14 provides:

> The record of a proceeding, including documents and things, shall be made available to the public, except as otherwise ordered. A party intending a document or thing to be sealed shall file a motion to seal concurrent with the filing of the document or thing to be sealed. The document or thing shall be provisionally sealed on receipt of the motion and remain so pending the outcome of the decision on the motion.

It is, however, only "confidential information" that 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 Office Trial Practice Guide, 77 Fed. Reg. 48756, 48760 (Aug. 14, 2012) 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.
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> 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. § 42.54.

The Board routinely seals confidential, internal, and sensitive business information. *See, e.g.*, *Tandus Flooring, Inc. v. Interface, Inc.*, No. IPR2013-

00333, Paper 60 (P.T.A.B. Aug. 8, 2014). Here, the technical and business information (Patent Owner's Request for Discretionary Denial and Exhibits 2019, 2020) are internal documents that it would be competitively harmful to make public. Good cause therefore exists to seal and keep this internal company information confidential. Accordingly, as in *Tandus*, the Board should seal and keep this information confidential.

III. CERTIFICATION OF NON-PUBLICATION

The confidential information in this case consists of ToutVirtual's internal business information and documents. This confidential information is contained in Exhibits 2019 and 2020, portions of which are referenced in Patent Owner's Request for Discretionary Denial. ToutVirtual certifies that, to the best of ToutVirtual's knowledge, this information has not been published or otherwise been made public.

IV. CERTIFICATION OF CONFERENCE WITH OPPOSING PARTY PURSUANT TO 37 C.F.R. § 42.54

ToutVirtual met and conferred in good faith with Petitioner regarding the scope of the Proposed Protective Order.

V. PROPOSED PROTECTIVE ORDER

ToutVirtual requests entry of the Default Protective Order, attached herein as Exhibit 2026 be entered. Petitioner does not oppose the entry of the Default Protective Order.

VI. CONCLUSION

For the reasons set forth above, Patent Owner respectfully requests that the Board enter the Default Protective Order and grant this motion to seal.

Respectfully submitted,

Date: May 18, 2026

/James Hannah/

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CERTIFICATE OF SERVICE

The undersigned certifies, in accordance with 37 C.F.R. § 42.6(e), and pursuant to agreement by the parties that filing with the Board through the Patent Trial and Appeal Case Tracking System (P-TACTS) constitutes electronic service, service was made on Petitioners as detailed below.

Date of service	May 18, 2026
Manner of service	Electronic Filing with the Board (IPR42342-0157IP1@fr.com)
Documents served	PATENT OWNER'S MOTION TO SEAL AND ENTRY OF PROTECTIVE ORDER UNDER 37 C.F.R §§ 42.14 AND 42.54
Persons Served	Fish & Richardson P.C.: W. Karl Renner Usman Khan Ryan Chowdhury

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