UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GODBERSEN-SMITH CONSTRUCTION COMPANY
d/b/a GOMACO CORPORATION,
Petitioner,

v.

GUNTERT & ZIMMERMAN CONST. DIV., INC.,
Patent Owner.

Case PGR2024-00026
U.S. Patent No. 11,772,723

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

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Patent Owner Gunter & Zimmerman Const. Div., Inc., ("G&Z") hereby moves to seal portions of Patent Owner's Sur-Reply ("Sur-Reply"), as identified below:

Filing	Content	Confidential Information
Patent Owner's Sur-Reply	**Pages 16, 18, 21, 23-24**	Contains highly confidential information regarding Patent Owner's confidential business information and technical documents and Petitioner's confidential technical documents.

I. GOOD CAUSE EXISTS FOR SEALING CERTAIN CONFIDENTIAL INFORMATION

The Board's standards for granting motions to seal are discussed in *Garmin Int'l, Inc. v. Cuozzo Speed Techs., LLC*, No. IPR2012-00001, Paper 34 at 4-5 (P.T.A.B. Mar. 14, 2013). 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). In particular:

> 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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> * * *
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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.

35 U.S.C. § 316(a)(7); 37 C.F.R. § 42.54; Office Trial and Practice Guide, 77 Fed. Reg. 48756, 48760 (Aug. 14, 2012).

The Patent Owner's Sur-Reply contains confidential information requiring that it be designated as "PROTECTIVE ORDER MATERIAL" under the Default Protective Order. *See* Paper 3. The Patent Owner's Sur-Reply contains highly confidential information and in particular, discuss and reveal confidential information regarding (1) Patent Owner's internal documents relating to market share, (2) Patent Owner's internal technical documents relating to its paver design, (3) Petitioner's internal technical documents relating to its paver design. The confidential information is also outlined in the chart above.

The sealing of the foregoing is of particular importance because the public disclosure of such "truly sensitive information" would impact Patent Owner's and Petitioner's competitive position in the market.

Furthermore, and notwithstanding the foregoing, granting this Motion would not prejudice nor impact this underlying proceeding. The public's interest in accessing the information requiring that the Patent Owner's Sur-Reply be sealed for the purposes of the patentability of the challenged claims is outweighed by the

prejudicial effect of disclosing the above described confidential business information.

II. CERTIFICATION OF NON-PUBLICATION

To the best of G&Z's knowledge, the confidential information contained in the Patent Owner's Sur-Reply has not been made publicly available.

III. CERTIFICATION OF CONFERENCE WITH OPPOSING PARTY PURSURANT TO 37 C.F.R. § 42.54

G&Z, in good faith, met and conferred with Petitioner regarding the scope of the Default Protective Order.

IV. PROPOSED PROTECTIVE ORDER

G&Z proposes that the Default Protective Order found in Appendix A of Petitioner's Motion to Seal be entered. *See* Paper 3.

V. CONCLUSION AND RELIEF REQUESTED

Accordingly, good cause exists to warrant entry of the Default Protective Order and to seal the Patent Owner's Sur-Reply from public disclosure

Dated: July 2, 2025

Respectfully submitted,

/James Hannah/

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(Case No. PGR2024-00026)

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, that service was made on the Petitioner as detailed below.

Date of service	July 2, 2025
Manner of service	Electronic Filing with the Board
Documents served	PATENT OWNER'S MOTION TO SEAL
Persons Served	Finnegan, Henderson, Farabow, Garrett & Dunner, LLP: Jason E. Stach Luke J. McCammon David K. Mroz Sonja W. Sahlsten Robert K. High

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