

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NORTH SAILS GROUP, LLC,
Petitioner

v.

TEAM NEW ZEALAND LIMITED,
Patent Owner.

PGR2025-00062
U.S. Patent No. 12,110,089

**MOTION FOR ENTRY OF JOINTLY STIPULATED PROTECTIVE
ORDER PURSUANT TO 37 C.F.R. § 42.55(b)(2)**

Pursuant to 37 C.F.R. § 42.55(b)(2) Team New Zealand Limited (“Patent Owner”) and North Sails Group LLC (“Petitioner”) hereby move for entry of the jointly stipulated protective order (“Protective Order”) attached as **Appendix A** to this Motion as a replacement for the Default Protective Order proposed by the Petitioner concurrently with the filing of the Petition on July 3, 2025.

The only substantive change to the language of the Default Protective Order appears in Section 2.B. as follows:

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, as well as Dr. Andrew Baker and Dr. Jeremy Robertson (of Dentons Australasia).

The agreed-upon change to the Default Protective Order is consistent with the integrity and efficient administration of the proceedings. Dr. Baker and Dr. Robertson are trusted legal representatives of the Patent Owner, albeit not “of

record” in the current proceeding. Pursuant to the terms of the Protective Order, Dr. Baker and Dr. Robertson will execute the Standard Acknowledgment prior to receiving any confidential information so designated under the Protective Order.

The parties agree that the language of the Standard Acknowledgment of Protective Order, as filed with Petitioner’s Motion to Seal (Paper No. 3) will apply to these proceedings.

Upon entry of the Protective Order by the Board, Patent Owner stipulates that it will not oppose Petitioner's Motion to Seal of July 3, 2025.

Expedited consideration and granting of this Motion is respectfully requested in order to permit counsel for Patent Owner timely access to the information currently designated as confidential.

Date: August 1, 2025

Respectfully submitted,

/Scott W. Cummings/

Scott W. Cummings

Reg. No. 41,567

BRYAN CAVE LEIGHTON PAISNER LLP

scott.cummings@bclplaw.com

Leif H. Olson

Reg. No. 79,428

BRYAN CAVE LEIGHTON PAISNER LLP

leif.olson@bclplaw.com

Attorneys For Patent Owner

CERTIFICATE OF SERVICE

In compliance with 37 C.F.R. § 42.6(e), the undersigned hereby certifies that a copy of the foregoing MOTION FOR ENTRY OF JOINTLY STIPULATED PROTECTIVE ORDER PURSUANT TO 37 C.F.R. § 42.55(b)(2), was served by email correspondence on the following correspondence email addresses of record for Petitioner:

aolson@olsonip.com; and

rross@olsonip.com.

Date: August 1, 2025

Respectfully submitted,

/Teresa C. Rodriguez/

Teresa C. Rodriguez

APPENDIX A

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**JOINTLY STIPULATED PROTECTIVE ORDER
PURSUANT TO 37 C.F.R. § 42.55(b)(2)**

PROTECTIVE ORDER

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

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, as well as Dr. Andrew Baker and Dr. Jeremy Robertson (of Dentons Australasia).

(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.

(k) Standard Acknowledgement of Protective Order. The following form may be used to acknowledge a protective order and gain access to information covered by the protective order: [*See Standard Acknowledgement filed with Petitioner's Motion to Seal of Paper No. 3*]