

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner

v.

QUEEN'S UNIVERSITY AT KINGSTON
Patent Owner

Case IPR2015-00583
Patent 7,762,665

**PETITIONER'S MOTION TO SEAL
UNDER 37 CFR §§ 42.14 and 42.54**

Pursuant to the Board's Final Written Decision (Paper 54) and 37 C.F.R. §§ 42.14 and 42.54, Petitioner (Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.) respectfully submits this Motion to Seal Exhibits 2077, 2090, 2092, and 2095, such that they remain available to the Board and Parties only. Given the generic discussion of Exhibits 2077, 2090, 2092, and 2095 in the Final Written Decision, Petitioner does not perceive a need for text of the Final Written Decision to be sealed or maintained confidential. Therefore, Petitioner is not filing a proposed redacted version of the Final Written Decision with this Motion. Petitioner simply requests that the Exhibits remain under seal and confidential.

After institution, Patent Owner (Queen's University At Kingston) requested that Petitioner allow Patent Owner to submit, in this proceeding, Petitioner's confidential information produced under seal in the related litigation. To expedite this proceeding by avoiding additional discovery motions, Petitioner agreed to permit Patent Owner to file Exhibits 2077, 2090, 2092, and 2095, among other confidential evidence, in connection with the Patent Owner's Response (Paper 20) on the condition that the evidence remain under seal. Indeed, Exhibits 2068–2082 and 2084–2097 were the subject of Patent Owner's Motion to Seal filed on October 28, 2015 (Paper 22). Patent Owner's Motion to Seal was granted by the

Board. (*See* Paper 27). Petitioner requests that the prior agreement and decision to seal to remain in effect.

In support of this Motion, Petitioner states as follows:

1. Exhibit 2077 relates to internal confidential business information and private communications exchanged between Patent Owner and Petitioner.
2. Exhibits 2090, 2092, and 2095 relate to confidential business information and private communications of Petitioner.

The disclosure of Exhibits 2077, 2090, 2092, and 2095 is likely to cause significant harm to Petitioner because it would grant competitors access to Petitioner's confidential business and competition information, which shows how Petitioner identifies and evaluates potential areas for research and development.

For the reasons stated above, as well as those stated in Patent Owner's Motion to Seal (Paper 22) and the Board's order granting Patent Owner's Motion to Seal (Paper 27), Petitioner respectfully requests that the Board grant this Motion to Seal.

Petitioner requests that this evidence remain under the modified version of the default protective order found in Appendix B of the Office Trial Practice Guide as shown in Exhibits 2113 and 2114.

Respectfully submitted,

Dated: August 3, 2016

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(Trial No. IPR2015-00583)

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(4) and 42.205(b), the undersigned certifies that on August 3, 2016 a complete and entire copy of this Motion to Seal was provided via email to the Patent Owner by serving the correspondence address of record as follows:

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