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Paper 13
Entered: February 29, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.,
Petitioner,

v.

BLITZSAFE TEXAS, LLC,
Patent Owner.

Case IPR2016-00118
Patent 8,155,342 B2

Before JAMESON LEE, THOMAS L. GIANNETTI, and HUNG H. BUI, *Administrative Patent Judges.*

LEE, *Administrative Patent Judge.*

ORDER
Denying Motion to Seal / Granting Entry of Protective Order
37 C.F.R. § 42.14, 42.54

On February 5, 2016, the parties filed a "Joint Motion to Seal and Joint Protective Order" (Paper 10) ("Joint Motion"). The items sought to be sealed are Exhibits 2007–2011 and Patent Owner's Preliminary Response (Paper 11), all of which were filed electronically on February 5, 2016, in the Board's Patent Review Processing System ("PRPS") as "Parties and Board Only." Neither party filed redacted public versions of Exhibits 2007–2011 and of the Preliminary Response (Paper 12) until February 23, 2016. The proposed Protective Order is not the Board's default protective order.

It is axiomatic that only confidential information should be sealed and information not confidential should not be sealed. In pertinent part, the Office Trial Practice Guide states:

> 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 publicly available.

77 Fed. Reg. 48,756, 48,770 (Aug. 14, 2012). The Joint Motion does not represent the entirety of each item sought to be sealed constitutes confidential information. Rather, it states: "Unified agrees to publicly file redacted versions of the aforementioned Exhibits within a reasonable time after the submission of Patent Owner's Preliminary Response. Patent Owner agrees to file a redacted version of its Preliminary Response within a reasonable time after its submission." Paper 10, 2.

Thus, the Joint Motion fails to identify specifically what in the items sought to be sealed are purported to be confidential information and why. It is the redacted information that must be focused on and explained. The Joint

Motion has not specifically identified or discussed any redacted information. The filing of redacted versions of the exhibits and the Preliminary Response on February 23, 2016, does not cure the deficiency of the Joint Motion in failing to discuss and identify the redacted materials specifically.

We note that each of redacted Exhibits 2007–2011 filed on February 23, 2016, contains no content other than a cover sheet identifying the exhibit number and the statement "REDACTED IN ITS ENTIRETY." If the parties intended to redact the entirety of each exhibit, we expect a specific discussion of each subpart within the exhibit. A general discussion of the exhibit as a whole is insufficient. The Joint Motion fails to establish that every paragraph, every sentence, and every word in each exhibit constitutes confidential information that should be sealed.

Order

It is

ORDERED that to the extent the Joint Motion seeks to have sealed any information, it is *denied*;

FURTHER ORDERED that to the extent the Joint Motion seeks to have entered the protective order attached to the Joint Motion as Exhibit A, it is *granted*; and

FURTHER ORDERED that a clean copy of the executed Protective Order shall be filed by either Petitioner or Patent Owner as a numbered exhibit in PRPS.[1]

[1] Petitioner and Patent Owner shall decide among themselves which party will make the filing.

Petitioner:

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