

Plaintiff's Third-Party Patent Licensing Information Can Be Sealed from Public View

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In *Uniloc USA, Inc. v. Apple Inc.*, No. 21-1568 (Fed. Cir. Feb. 9, 2022), the Federal Circuit vacated and remanded the district court's denial of Uniloc's request to seal third-party licensing information between Uniloc and its financier.

In a prior appeal, Uniloc appealed the district court's denial of its request to seal documents. The Federal Circuit affirmed the denial, except for documents relating to third-party licensing information. The Federal Circuit remanded and requested the district court to make a particularized determination as to whether the information should be sealed. The district court denied the request to seal again.

In the present appeal, the Federal Circuit held that the district court failed to follow the remand instructions to make a particularized determination because it did not assess whether any of the third-party information was protectable as a trade secret or otherwise entitled to protection under the law. The Federal Circuit explained that the public's interest in patents is in ensuring that patents are not procured by fraud, or other improper means. The public does not have a broad right to access patent licensing information. Therefore, the Federal Court held that the district court abused its discretion and remanded once again.

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