

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ROKU, INC. and VIZIO, INC.,
Petitioners,

v.

ANCORA TECHNOLOGIES, INC.,
Patent Owner

Case IPR2021-01406
U.S. Patent No. 6,411,941

**PETITIONERS' MOTION TO SEAL RESPONSIVE BRIEF TO
PATENT OWNER'S OPENING BRIEF ON REMAND**

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Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

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I. Introduction

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Petitioners Roku, Inc. and VIZIO, Inc. (“Petitioners”) request that the confidential version of Petitioners’ Responsive Brief to Patent Owner’s Opening Brief on Remand (Paper 68) be sealed under 37 C.F.R. §§ 42.14 and 42.54 under the terms of the Protective Order in this proceeding (EX2038).

All of the confidential material submitted in this proceeding belongs to Patent Owner Ancora Technologies, Inc. (“Patent Owner”). Good cause to seal exists because Patent Owner has represented to Petitioners that certain information in the Petitioners’ Responsive Brief to Patent Owner’s Opening Brief on Remand is sensitive, non-public information. Petitioners therefore submit this Motion to Seal under the jointly proposed Protective Order in this case (EX2038).

The parties have conferred regarding the motion to seal as required by 37 C.F.R. § 42.54(a), and Patent Owner has stated that it will not oppose this motion.

II. Governing Rules and PTAB Guidance

While under 35 U.S.C. § 316(a)(1), papers filed in an *inter partes* review are generally open and available for access by the public, a party may file a concurrent Motion to Seal to protect public disclosure of certain confidential information, which has the effect of sealing the information at issue pending resolution of the motion. In determining whether to grant a Motion to Seal, the Board must find

“good cause,” 37 C.F.R. § 42.54(a), and “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,” Consolidated Trial Practice Guide, November 2019 (“TPG”), 19. The Board identifies confidential information in a manner “consistent with Federal Rule of Civil Procedure 26(c)(1)(G), which provides for protective orders for ... confidential research, development, or commercial information.” TPG, 19.

Based on the procedure set forth in the TPG, Petitioners seek to prevent the disclosure of sensitive information belonging to Patent Owner.

III. Identification of Confidential Information

The confidential information at issue here comprises information in Petitioners’ Responsive Brief to Patent Owner’s Opening Brief on Remand that relates to certain patent license agreements (EX1051, EX1052, EX1053, EX2029, EX2031, and EX2032) that Patent Owner produced in this proceeding in view of Petitioners’ granted Motion for Additional Discovery (Paper 25), as well as deposition testimony discussing such agreements (EX1034) (collectively, “the Confidential Information”). Patent Owner has represented to Petitioners that the agreements are confidential and thus have not been published or otherwise made public. In particular, pursuant to the Board’s June 17, 2022 Order (Paper 29), Patent Owner designated the agreements and deposition testimony as “THIRD-

PARTY CONFIDENTIAL – PARTY ACCESS LIMITED” under the Protective Order in this proceeding (EX2038). Under the terms of the Protective Order, documents so designated must be filed under seal. EX2038, ¶4(A)(i). Further, the Board has previously granted Petitioners’ motion to seal the same information in its prior submissions. Paper 35.

Petitioners have, to the best of their ability, limited material in their Responsive Brief to Patent Owner’s Opening Brief on Remand to non-confidential information. Pursuant to guidance in the TPG, Petitioners have filed both confidential and non-confidential versions of the Responsive Brief to Patent Owner’s Opening Brief on Remand. In the non-confidential version of the Responsive Brief to Patent Owner’s Opening Brief on Remand, Petitioners have redacted passages citing, quoting, or characterizing confidential information.

* * *

To the best of Petitioners’ knowledge, and based on Patent Owner’s representation that the Confidential Exhibits and the information contained therein are indeed confidential, the information sought to be sealed has not been published or otherwise made public.

IV. Good Cause Exists for Sealing the Petitioners’ Responsive Brief to Patent Owner’s Opening Brief on Remand.

By designating the Confidential Exhibits as confidential under the Protective Order, Patent Owner has represented that public disclosure of the agreements and

information contained therein would significantly harm Patent Owner and potentially violate confidentiality provisions associated with those Confidential Exhibits.

The public interest will not be harmed by granting this Motion to Seal the Petitioners' Responsive Brief to Patent Owner's Opening Brief on Remand as **"PROTECTIVE ORDER MATERIAL."** To the contrary, at least according to Patent Owner's representations about the Confidential Exhibits, granting this Motion to Seal would achieve "a balance between the public's interest in maintaining a complete and understandable file history and the parties' interest in protecting truly sensitive information." 77 Fed. Reg. 48,755, 48,760 (Aug. 14, 2012). Furthermore, Petitioners are concurrently filing a public, redacted version of their Responsive Brief to Patent Owner's Opening Brief on Remand. Therefore, good cause exists for granting this Motion to Seal.

V. Relief Requested

For the reasons stated above, Petitioners request that the Board seal and protect the unredacted version of the Responsive Brief to Patent Owner's Opening Petitioners' Brief on Remand (Paper 68) under the terms of the Protective Order in this proceeding (EX2038).

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX PLLC

/Lestin Kenton/

Lestin L. Kenton
Registration No. 72,314
Lead Attorney for Petitioner Roku, Inc.

Date: September 12, 2025

1101 K Street, NW, 10th Floor
Washington, DC 20005
(202) 371-2600

KELLEY DRYE & WARREN LLP

/Vincent M. Ferraro/

Vincent M. Ferraro
Registration No. 79,197
Lead Attorney for Petitioner VIZIO, Inc.

Date: September 12, 2025

7 Giralda Farms, Suite 340
Madison, NJ 07040
(973) 503-5927

CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))

I certify that the above-captioned **PETITIONERS' MOTION TO SEAL
BRIEF ON REMAND MOTION TO SEAL** was served in its entirety on
September 12, 2025, upon the following parties via electronic mail:

Nicholas T. Peters (Lead Counsel)
Karen J. Wang (Back-up Counsel)
FITCH, EVEN, TABIN & FLANNERY LLP
ntpete@fitcheven.com
kwang@fitcheven.com
ancora-ipr@fitcheven.com

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX PLLC

/Lestin Kenton/

Lestin L. Kenton
Registration No. 72,314
Lead Attorney for Petitioner Roku, Inc.

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1101 K Street, NW, 10th Floor
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(202) 371-2600