UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD. AND SAMSUNG ELECTRONICS AMERICA, INC.
Petitioners v.

MANUFACTURING RESOURCES INTERNATIONAL, INC.
Patent Owner

Case IPR2023-00255
Patent 9,629,287

PATENT OWNER'S UNOPPOSED MOTION TO SEAL

I. INTRODUCTION

Patent Owner Manufacturing Resources International, Inc. ("Patent Owner") hereby moves to seal its Patent Owner Response and certain exhibits submitted with its Patent Owner Response as described herein. Petitioners Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. ("Samsung" or "Petitioners") do not oppose this motion to seal.

After institution of this proceeding, Patent Owner and Petitioners agreed to "additional discovery" pursuant to 37 C.F.R. § 42.51(b)(2)(i). Specifically, Patent Owner and Petitioners each agreed to produce in this proceeding certain confidential documents and testimony that were produced previously in co-pending ITC Investigation No. 337-TA-1331 concerning the patent at issue. These materials are subject to a protective order (the "ITC Protective Order") entered by the ALJ presiding over the co-pending investigation and are designated as "Confidential Business Information Subject to Protective Order" under the terms of the ITC Protective Order. The ITC Protective Order protects the confidentiality of the materials produced under the terms of that protective order.

To maintain confidentiality of the materials exchanged under the ITC Protective Order, the parties jointly moved for entry of a Stipulated Protective Order in this proceeding on September 11, 2023. Paper No. 15. Patent Owner now submits its Patent Owner Response concurrently with the filing of this motion. In support of

its Response, Patent Owner submits certain confidential and competitively-sensitive documents designated as "CONFIDENTIAL BUSINESS INFORMATION SUBJECT TO PROTECTIVE ORDER" by Patent Owner and Petitioners in accordance with the Stipulated Protective Order and the ITC Protective Order. Pursuant to 37 C.F.R. § 42.54, Patent Owner submits that its Patent Owner Response and these confidential and competitively-sensitive supporting exhibits are properly sealed in order to protect each party's highly-confidential business information from disclosure to its current and prospective competitors.

II. MOTION TO SEAL

A. Materials subject to Motion to Seal

Patent Owner moves to seal its Patent Owner Response submitted concurrently with this motion. Patent Owner further moves to seal the following exhibits submitted in support of its Response:

- Exhibit 2016
- Exhibit 2029
- Exhibit 2030
- Exhibit 2031
- Exhibit 2032
- Exhibit 2038
- Exhibit 2040

- Exhibit 2041
- Exhibit 2042
- Exhibit 2043
- Exhibit 2044
- Exhibit 2045
- Exhibit 2046
- Exhibit 2048
- Exhibit 2049
- Exhibit 2050
- Exhibit 2051
- Exhibit 2052

Patent Owner has concurrently filed redacted versions of its Patent Owner Response. Exhibits 2016, 2029-2032, 2038, 2040-2046, and 2048-2052 have been filed as "Parties and Board Only" with this motion for filing under seal. Patent Owner has served Petitioners with both confidential and redacted versions of the Patent Owner Response and supporting exhibits.

B. Explanation of Confidentiality in support of Motion to Seal

Patent Owner's Response and supporting exhibits include competitively-sensitive business information of both Patent Owner and Petitioner. This highly-confidential business information includes non-public technical information

regarding the parties' product development. This highly-confidential business information further includes financial sales and marketing materials of the respective parties. These materials have been made available to the opposing party only under the same "Confidential Business Information Subject to Protective Order" terms in the related ITC investigation. The ITC Protective Order requires that these materials remain sealed in this proceeding.

1. <u>Exhibits 2016 and 2029-2032</u> - Excerpts of deposition transcripts of Sung Ki Kim, Sungsu Lee, Wunkil Lee, John Palmer, and Christopher Bolton from ITC Investigation No. 337-TA-1331

Exhibits 2029, 2030, and 2031 are excerpts of the deposition transcripts of Sung Ki Kim, Sungsu Lee, and Wunkil Lee that include sensitive and proprietary technical information and business information relating to Samsung's internal design, development, and management of its products. The disclosure of such information is likely to cause significant harm to Petitioners because it would grant competitors access to such information and could result in competitive harm to Petitioners.

Exhibits 2016 and 2032 are excerpts of the deposition transcript of John Palmer and excerpts of the deposition transcript of Christopher Bolton and include third-party, non-public information relating to product development and management. The disclosure of such information may put these third parties at competitive disadvantage.

2. <u>Exhibits 2038 and 2040-2043</u> – Samsung documents containing technical or financial confidential business information

Exhibit 2041 is an internal Samsung presentation relating to product development that includes sensitive and proprietary technical information and business information relating to design and development of Samsung's products, market share, and financial projections. Exhibit 2038 is a Samsung marketing presentation to a third-party that includes sensitive and proprietary information relating to technical information and marketing of Samsung's products. Exhibit 2040 is a spreadsheet containing Samsung's confidential and non-public sales information. Exhibits 2042 and 2043 are a presentation and associated photographs that include sensitive business information relating to Samsung's internal technical analysis.

3. <u>Exhibits 2044-2046, 2048, and 2049-2052</u> – Documents containing MRI and third party financial confidential business information

Exhibits 2044 and 2046 are spreadsheets containing MRI's confidential and non-public sales information. Exhibit 2045 is a declaration of MRI's chief financial officer discussing MRI's confidential and non-public sales information. Exhibit 2048 is correspondence from a third party to MRI regarding confidential and non-public business arrangements. Exhibits 2049, 2050, 2051, and 2052 are contractual agreements between MRI and third parties that include confidential and non-public

financial terms, including regarding patent licensing.

The disclosure of the foregoing information would likely cause significant harm to Petitioners or Patent Owner because it would grant competitors access to such sensitive and non-public information and could result in competitive harm to the disclosing party. Disclosure of these documents would provide third parties with an opportunity to access Samsung's or MRI's proprietary financial or technical information and would provide insight into Samsung's or MRI's competitive analysis and strategy. Disclosure would confer competitive advantages to third parties at the disclosing party's detriment.

If this highly-confidential information were disclosed publicly, or to the parties' employees, including in-house counsel, that information likely would cause competitive business harm. In other *inter partes* review proceedings, the Board has held that confidential information such as that submitted here should remain under seal. *See, e.g.*, *Greene's Energy Grp., LLC, Inc. v. Oil States Energy Svcs., LLC*, IPR2014-00216, Paper 27, at 5 (PTAB Sept. 23, 2014). In *Greene's Energy Group*, the Board held that portions of an exhibit containing confidential financial information should remain under seal where the proposed redactions were reasonable and the thrust of the underlying argument or evidence was clearly discernable from the redacted versions. *Greene's Energy Grp.*, IPR2014-00216, Paper 27, at 5. Here, Patent Owner has redacted from the public filings only those

portions of the Patent Owner Response that reflect competitively-sensitive information. Patent Owner submits that the thrust of its underlying arguments and evidence remain clearly discernable from the redacted, public versions of its filings. Patent Owner respectfully requests that the Board grant this motion to seal.

III. CONCLUSION

For the foregoing reasons, Patent Owner respectfully requests that the Board grant this unopposed motion to seal.

Dated: October 17, 2023

Respectfully submitted,

/John C. Alemanni/

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Counsel for Patent Owner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date below a copy of this **PATENT OWNER'S UNOPPOSED MOTION TO SEAL** was served on Petitioners by filing through the P-TACTS System and by electronic delivery via email to the following:

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Dated: October 17, 2023

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