

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VIKING DRILL & TOOL, INC.
Petitioner,

v.

HONGJIA WANG
Patent Owner.

Case IPR2023-00473
U.S. Patent No. 11,007,583

**PETITIONER'S UNOPPOSED MOTION TO FILE UNDER SEAL
PURSUANT TO 37 C.F.R. §§ 42.14 AND 42.54**

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Petitioner respectfully submits this Petitioner’s Unopposed Motion to File Under Seal, requesting that the following information remain under seal: the redacted portions of Ex. 1045 (Declaration of Taylor Fulk), Exhibit 1048 (transcript of the July 14, 2023 deposition of David Fisher), and the redacted portions of Petitioner’s Reply to Patent Owner’s Response. The under-seal versions of these documents are being filed concurrently with this motion.

Petitioner has conferred with Patent Owner, and Patent Owner does not oppose this motion to seal.

Patent Owner and Petitioner agreed to, and Petitioner submitted a stipulated Protective Order, Ex. 1028. The Board entered this Protective Order on November 1, 2023. Paper 27.

I. Good Cause

For good cause, the Board may “issue an order to protect a party or person from disclosing confidential information.” 37 C.F.R. § 42.54. The rules “identify confidential information in a manner consistent with Federal Rule of Civil Procedure 26(c)(1)(G), which provides for protective orders for trade secret or other confidential research, development, or commercial information.” Patent Trial and Appeal Board Consolidated Trial Practice Guide (“TPG”), at 19 (Nov. 2019 ed.).

Each of the documents subject to this motion meets this standard, and for the reasons explained herein there is good cause for why these documents should remain under seal.

A. Exhibit 1045

Petitioner has filed this exhibit under seal along with a public, redacted version. This exhibit contains information that Petitioner contends is confidential business, research, development, manufacturing, sales, and financial information. Petitioner has designated similar information as confidential under the protective order in the parallel district court case *Tsteigen, Inc. et al. v. Viking Drill & Tool, Inc.*, Case No. 0:21-cv-02759-JWB/JFD (D. Minn.). The public disclosure of this information would be harmful to Petitioner. There is good cause to keep the redacted information under seal.

B. Exhibit 1048

Petitioner has filed this exhibit under seal. This document has been designated by Patent Owner as confidential under the protective order in the parallel district court case *Tsteigen, Inc. et al. v. Viking Drill & Tool, Inc.*, Case No. 0:21-cv-02759-JWB/JFD (D. Minn.). This exhibit appears to contain the confidential business, financial, and sales information of Patent Owner and its affiliates. Because Patent Owner has designated this information as confidential,

the public disclosure of this information may be harmful to Patent Owner or its affiliates and there is good cause to keep the information under seal.

C. Petitioner's Reply to Patent Owner's Response

Petitioner has filed this paper under seal along with a public, redacted version. This paper contains information that Petitioner and Patent Owner have contended is highly confidential and for attorney eyes only, including the parties' sensitive sales and business information. Petitioner and Patent Owner have designated the underlying information as confidential under the protective order in the parallel district court case *Tsteigen, Inc. et al. v. Viking Drill & Tool, Inc.*, Case No. 0:21-cv-02759-JWB/JFD (D. Minn.). This information is also subject to Patent Owner's motion to seal, Paper 30. The public disclosure of this information would be harmful to the parties. There is good cause to keep the redacted information under seal.

II. Certification of Conference

Pursuant to 37 C.F.R. § 42.54(a), Petitioner certifies that it has in good faith conferred with Patent Owner's counsel. Patent Owner's counsel does not oppose this motion to seal.

III. Conclusion

Petitioner respectfully requests that the Board grant this Unopposed Motion to File Under Seal and keep the following documents under seal: Ex. 1045, Ex. 1048, and Petitioner's Reply to Patent Owner's Response.

Respectfully submitted,

Date: January 16, 2024

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CERTIFICATE OF SERVICE

I certify that on January 16, 2024, I caused a true and correct copy of the foregoing Petitioner's Motion to Seal to be served via electronic mail on the following:

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