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 document remains under seal: Ex. 1051 (excerpt of transcript of November 28, 2023 deposition of David Fisher) in its entirety. The under-seal version of this document is 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. <u>Good Cause</u>

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.).

The document subject to this motion meets this standard, and for the reasons explained herein there is good cause for why it should remain under seal.

A. Exhibit 1051

Petitioner has filed this exhibit under seal. This exhibit appears to contain the confidential business, financial, and sales information of Patent Owner and its affiliates. Similar information has been previously 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 document bears a "HIGHLY CONFIDENTIAL - ATTORNEY'S EYES ONLY" designation. Because Patent Owner has designated this information as confidential, there is good cause to keep this document 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 document under seal: Ex. 1051.

Respectfully submitted,

Date: March 21, 2024

/*Mitchell R. Williams*/

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CERTIFICATE OF SERVICE

I certify that on March 21, 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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