UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VIKING DRILL & TOOL, INC.

Petitioner

v.

HONGJIA WANG

Patent Owner

IPR2023-00473

U.S. Patent No. 11,007,583

PATENT OWNER'S MOTION TO SEAL UNDER 37 C.F.R. § 42.54

Viking Drill & Tool's Petition Filing Date: January 17, 2023

I. RELIEF REQUESTED

Pursuant to 35 U.S.C. § 316, 37 C.F.R. § 42.54, and the Office Patent Trial Practice Guide, Section I.E, Patent Owner Hongjia Wang ("Mr. Wang") respectfully requests that the Board seal (1) portions of Patent Owner's Demonstratives (Exhibit 2121). The redacted version of Patent Owner's Demonstratives (Exhibit 2122) is being filed concurrently with this Motion.

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.

II. CERTIFICATION

Counsel for Mr. Wang certifies that it has conferred with counsel for Petitioner Viking Drill & Tool, Inc. regarding the relief sought. Viking has indicated that it did not oppose the relief sought in Patent Owner's Motion. The Parties have also agreed to, and the Board has entered, the Parties' proposed Stipulated Protective Order. Paper 27; Exhibit 1028.

III. GOVERNING LAW, RULES, AND PRECEDENT

Section 42.54 of Title 37 of the Code of Federal Regulations provides:

> A party may file a motion to seal where the motion to seal contains a proposed protective order, such as the default protective order set forth in the Office Patent Trial Practice Guide. The motion must include a certification that the moving party has in good faith

> conferred or attempted to confer with other affected parties in an effort to resolve the dispute. The Board may, for good cause, issue an order to protect a party or person from disclosing confidential information, including, but not limited to, one or more of the following: . . . (7) Requiring that a trade secret or other confidential research, development, or commercial information not be revealed or be revealed only in a specified way.

Likewise, the Office Patent Trial Practice Guide provides that "protective orders may be entered by the Board to protect a party from disclosing confidential information." Consolidated Practice Guide at § I.E.4.

IV. REASONS FOR SEALING THE MATERIAL IDENTIFIED

Patent Owner moves to seal portions of Patent Owner's Demonstratives (Exhibit 2121). The material subject to this Motion to Seal reflect and include information that Mr. Wang, Viking, and/or third-party Kimball Midwest previously designated as "Attorneys Eyes Only" under the Protective Order entered in the Litigation (Ex. 1028). Each category will be addressed in turn.

Specifically, Slides 95–103, 105–106, 108–115, 117, and 119 (the portions that Patent Owner seeks to seal) quote from or describe the previously sealed portions of Exhibits 1045, 2039, 2055–2057, 2059, 2060, 2062, 2063, 2066–2071, 2119, and Paper 54. Because disclosure of the foregoing information would harm

Patent Owner, Kimball Midwest, and/or Viking's commercial interests, Patent Owner moves to seal the same.

Consistent with the Board's Rules, a public version of Exhibit 2121 which has been redacted of all Parties' confidential information, is being filed concurrently herewith.

V. CONCLUSION

For the foregoing reasons, Patent Owner respectfully requests that the Board grant this Motion to Seal.

Dated: April 4, 2024 Respectfully submitted,

/Kelly W. Cunningham/

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Dated: April 4, 2024 */Aaron P. McGushion/*

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CERTIFICATION OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e)(4) and 42.205(b) and the agreement of the parties, the undersigned certifies that on April 4, 2024, a true and correct copy of the **PATENT OWNER'S MOTION TO SEAL UNDER 37 C.F.R. § 42.54** was served by electronic mail upon the following:

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