

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: unredacted Paper No. 69 (Petitioner’s Reply to Patent Owner’s Opposition to Petitioner’s Motion to Exclude). 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. 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.).

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. Paper 69

Petitioner has filed an under-seal version of this paper along with public, redacted versions. This Paper contains information that Petitioner, Patent Owner, and third-party Kimball Midwest have contended is confidential research, development, manufacturing, sales, and financial information. These parties have designated this 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.). Because the parties have designated this information as confidential under the protective order in the parallel district court case, 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 document under seal: unredacted Paper No. 69.

Respectfully submitted,

Date: April 10, 2024

/J. Derek Vandenburg/

J. Derek Vandenburg (Lead Counsel)

Reg. No. 32,179

Iain A. McIntyre, Reg. No. 40,337

Mitchell R. Williams, Reg. No. 74,776

Saukshmya Trichi, *pro hac vice*

Katherine Chen, *pro hac vice*

Carlson, Caspers, Vandenburg &

Lindquist, P.A.

225 South Sixth Street, Suite 4200

Minneapolis, MN 55402

Telephone: (612) 436-9600

Facsimile: (612) 436-9650

dvandenburg@carlsoncaspers.com

imcintyre@carlsoncaspers.com

mwilliams@carlsoncaspers.com

strichi@carlsoncaspers.com

kchen@carlsoncaspers.com

Attorneys for Petitioner

CERTIFICATE OF SERVICE

I certify that on April 10, 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:

Kelly W. Cunningham (Lead Counsel)
Reg. No. 43,750
Aaron P. McGushion, Reg. No. 53,300
Ervin Cohen & Jessup LLP
9401 Wilshire Blvd., 12th Floor
Beverly Hills, CA 90212
United States
kcunningham@ecjlaw.com
aaron@mcgushion.com

Date: April 10, 2024

/J. Derek Vandenburg/
J. Derek Vandenburg (Lead Counsel)
Reg. No. 32,179
Iain A. McIntyre, Reg. No. 40,337
Mitchell R. Williams, Reg. No. 74,776
Saukshmya Trichi, *pro hac vice*
Katherine Chen, *pro hac vice*
Carlson, Caspers, Vandenburg &
Lindquist, P.A.
225 South Sixth Street, Suite 4200
Minneapolis, MN 55402
Telephone: (612) 436-9600
Facsimile: (612) 436-9650
dvandenburg@carlsoncaspers.com
imcintyre@carlsoncaspers.com
mwilliams@carlsoncaspers.com
strichi@carlsoncaspers.com
kchen@carlsoncaspers.com

Attorneys for Petitioner