Trials@uspto.gov
Tel: 571-272-7822

Paper 29
Entered: November 1, 2023

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 and IPR2023-00474
Patent 11,007,583 B2

Before WILLIAM V. SAINDON, JAMES J. MAYBERRY, CYNTHIA L. MURPHY, *Administrative Patent Judges*.

SAINDON, *Administrative Patent Judge*.

ORDER
Granting Motion for Entry of a Protective Order
37 C.F.R. § 42.54

On July 10, 2023, we instituted trial in these *inter partes* reviews involving Petitioner, Viking Drill & Tool, Inc. and Patent Owner, Hongjia Wang (the "Parties"). Paper 13[1]. Petitioner filed a Motion seeking entry of a Protective Order in this proceeding that deviates from the default protective order. Paper 23 (the "Motion" or "Mot."). Petitioner contends that Patent Owner does not oppose the Motion, and asserts, "[t]he parties have conferred and agreed to entry of a Protective Order and to the terms of the Protective Order." Mot. 1.[2] For the reasons set forth below, we grant the Motion.

The parties to this proceeding are simultaneously involved in related litigation in the U.S. District Court for the District of Minnesota (the "district court action"). Mot. 1. In that proceeding, the parties moved that the court modify a previously-entered protective order so that trade secret or other confidential information be disclosed only in designated ways *Id.* (citing Ex. 1030 (Amended Protective Order, September 21, 2023)). The district court granted the motion. *Id.* (citing Ex. 1030 at 8).

In consequence, the parties have agreed upon the Amended Protective Order (Ex. 1030) in the district court action, and seek entry of a corresponding Protective Order (Ex. 1028) in the present *inter partes*

---

[1] We refer to Papers and Exhibits filed in IPR2023-00473. Petitioner filed similar Papers and Exhibits in IPR2023-00474.

[2] Although the Consolidated Trial Practice Guide states, "[i]f the parties choose to propose a protective order deviating from the default protective order, they must submit the proposed protective order jointly," given that the Motion is *unopposed* and the parties have *agreed* to entry of the Protective Order, we consider the motion effectively jointly proposed. Consolidated Trial Practice Guide 91 (November 2019) (available at https://www.uspto.gov/TrialPracticeGuideConsolidated) ("CTPG").

review. Mot. 2. The Motion also includes a redlined copy of the Protective Order relative to the Board's default protective order (the "Default Protective Order"). *Id.* (citing Ex. 1029).[3]

As set forth in the Motion, entry of the Protective Order in this proceeding will permit the Parties to limit access to certain confidential information only to those people entitled to receive it. Mot. 1 (citing Exhibit 1030 at 4). According to the Motion, good cause exists for entry of the Protective Order, which will "protect the [P]arties' confidential information and promote efficiency in resolution of the dispute." *Id.* at 2. The Motion states that the Protective Order deviates from the Default Protective Order to provide: (1) an additional confidentiality designation, "PROTECTIVE ORDER MATERIAL– ATTORNEY'S EYES ONLY"; (2) the destruction of confidential documents at a date after final disposition of this action or the district court action, whichever is later; and (3) a copy of the signed acknowledgement to the other party. *Id.* at 1–2.

"The Board may, for good cause, issue an order to protect a party or person from disclosing confidential information, including, … (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." 37 C.F.R. § 42.54 (a)(7). Having reviewed the terms of the

[3] A copy of the Default Protective Order can be found in Appendix B of the CTPG.

Protective Order, we agree that good cause exists for entry of the Order, and the Motion is consequently granted. *See* CPTG at 115.

ORDER

In consideration of the foregoing, it is hereby:

ORDERED, that the Unopposed Motion for Entry of a Protective Order is granted in each of the above-identified proceedings; and

FURTHER ORDERED that the Protective Order is hereby entered in these proceedings and shall govern the treatment and filing of confidential information.

PETITIONER:

J. Derek Vandenburgh
Iain A. McIntyre
Mitchell R. Williams
Carlson Caspers Vandenburgh & Lindquist, PA
dvandenburgh@carlsoncaspers.com
imcintyre@carlsoncaspers.com
mwilliams@carlsoncaspers.com

PATENT OWNER:

Kelly W. Cunningham
Ervin Cohen & Jessup LLP
kcunningham@ecjlaw.com