UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SEMICONDUCTOR COMPONENTS INDUSTRIES, LLC,
Petitioner,

v.

GREENTHREAD LLC,
Patent Owner

Case IPR2023-01242
U.S. Patent No. 11,121,222

PETITIONER'S MOTION TO SEAL PURSUANT TO 37 C.F.R. §§ 42.14 & 42.54

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Petitioner Semiconductor Components Industries, LLC ("Petitioner") respectfully submits this Motion to Seal as a precaution and at the request of Patent Owner, Greenthread, LLC ("Patent Owner"). Patent Owner previously moved for entry of the Default Protective Order found in Appendix B of the Trial Practice Guide, and to seal Patent Owner's Motion for Additional Discovery, along with its Exhibits 2002, 2014, and 2022. *See* Paper 7 at 2. Petitioner did not oppose Patent Owner's motion, and Petitioner continues to take no position about whether the material submitted by Patent Owner warrants sealing and entry of a protective order. Nonetheless, because Petitioner's Opposition to Patent Owner's Motion for Additional Discovery (and accompanying Exhibits 1046 and 1047) describe and refer to material that Patent Owner moved to seal, Petitioner respectfully submits this Motion to Seal Petitioner's Opposition and Exhibits 1046 and 1047, which are concurrently filed with this Motion.

I. GOOD CAUSE EXISTS

The Office Trial Practice Guide (TPG) states that "a document or thing will be made publicly available, unless a party files a motion to seal that is then granted by the Board." Office Trial Practice Guide (Nov. 2019) at 19; see also 35 U.S.C. §316(a)(7). "The document or thing will be protected on receipt of the motion and remain so, pending the outcome of the decision on motion." *Id*. The TPG states that

"protective orders may be issued for good cause by the Board to protect a party from disclosing confidential information." *Id*. at 20 (citing C.F.R. § 42.54).

Because the TPG provides for the protection of material submitted with a pending motion to seal, there is good cause for sealing Petitioner's Opposition to Patent Owner's Motion for Additional Discovery and Exhibits 1046 and 1047, which refer to and describe the material that Patent Owner submitted with its prior Motion to Seal. Moreover, to the extent Patent Owner's arguments in support of its Motion to Seal have merit (e.g., that the "documents contain sensitive, confidential, and non-public business information, including licensing information regarding the identities of parties in license agreements"), those arguments would apply similarly to the present Motion to Seal. *See* Paper 7 at 2.

A. Petitioner's Opposition to Patent Owner's Motion for Additional Discovery Patent

Petitioner's Opposition to Patent Owner's Motion for Additional Discovery, filed concurrently herewith, discusses the material that Patent Owner contends is sensitive, confidential, and non-public business information. Therefore, if the Board grants Patent Owner's prior Motion to Seal, then Petitioner's Opposition to Patent Owner's Motion for Additional Discovery should also be sealed in its entirety.

B. Exs. 1046 and 1047

Exhibits 1046 and 1047 are email exchanges between counsel for Patent Owner and counsel for Petitioner, and these exhibits discuss the material that Patent

Owner contends is sensitive, confidential, and non-public business information. Therefore, if the Board grants Patent Owner's prior Motion to Seal, then Petitioner's Exhibits 1046 and 1047should also be sealed in their entirety.

II. CERTIFICATION OF NON-PUBLICATION

Patent Owner certified that the information it sought to seal by its previous Motion had not been made publicly available, and Petitioner has no further knowledge of the information at issue being made publicly available.

III. PROPOSED PROTECTIVE ORDER

Patent Owner previously requested entry of the Default Protective Order, found in the TPG at Appendix B, and sought to designate its Exhibits 2002, 2014, and 2022 and Motion for Additional Discovery in their entirety as "PROTECTIVE ORDER MATERIAL." To the extent the Board grants Patent Owner's prior Motion to Seal, Petitioner understands that Patent Owner would designate Petitioner's Opposition to Patent Owner's Motion for Additional Discovery, and Exhibits 1046 and 1047 as "PROTECTIVE ORDER MATERIAL."

IV. CONCLUSION

For at least the foregoing reasons, Petitioner requests that the Board seal Petitioner's Opposition to Patent Owner's Motion for Additional Discovery, and Exhibits 1046 and 1047 in their entirety.

Dated: October 31, 2023

Respectfully submitted,

/s/ Roger Fulghum
Roger Fulghum
Reg. No. 39,678
Attorney for Petitioner

CERTIFICATE OF SERVICE

In accordance with 37 C.F.R. § 42.6(e), the undersigned certifies that on October 31, 2023, a complete and entire copy of the foregoing **PETITIONER'S MOTION TO SEAL PURSUANT TO 37 C.F.R. §§ 42.14 & 42.54** and supporting exhibits were served on Patent Owner via electronic mail at the below addresses:

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October 31, 2023
Date

/s/ Roger Fulghum
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