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 OPPOSITION TO PATENT OWNER'S MOTION TO SEAL FILED FEBRUARY 26, 2024

Petitioner Semiconductor Components Industries, LLC, d/b/a onsemi, submits this Opposition to Patent Owner ("PO") Greenthread, LLC's Motion to Seal (Paper 36) filed February 26, 2024.[1] The Motion to Seal requests sealing Patent Owner's Request for Director Review (Paper 37) "in its entirety." Paper 36 at 2. Petitioner opposes the Motion to Seal.

I. PO MISCHARACTERIZES PETITIONER'S POSITION AND THE MOTION SHOULD BE DENIED

Throughout this proceeding, Petitioner has not opposed the filing of papers or exhibits that PO believes contain allegedly confidential information as available to the Parties and Board only, or PO filing motions to seal to support its assertions that the alleged confidential information should be sealed. Petitioner *does oppose*: (1) PO's continued practice of requesting that the *entirety* of all papers in this proceeding are sealed, without proposing or filing any redacted versions that are available to the public, and (2) PO's continued filing of motions to seal that include little or no explanation as to why any of the information it seeks to seal is actually confidential. It is improper for PO to file cursory motions to seal that do not explain why the *entirety* of briefing should be maintained under seal.

[1] This opposition is timely filed within one month of service of the Motion to Seal. 37 C.F.R. § 42.25(a)(1).

Strong public policy exists for making all information in an *inter partes* review open to the public. *Garmin Int'l v. Cuozzo Speed Techs., LLC,* IPR2012-00001, Paper 34 at 1-2 (PTAB Mar. 14, 2013). All papers filed in *inter partes* reviews are by default available to the public. 35 U.S.C. § 316(a)(1). "[C]onfidential information" may be granted protection from disclosure only "for good cause." 37 C.F.R. § 42.54(a); 35 U.S.C. § 316(a)(7).

Parties moving to seal have "the burden of showing that the relief requested should be granted" and that an interest in confidentiality "outweighs the strong public interest in having an open record." *Argentum Pharm. LLC,* IPR2017-01053, Paper 27 at 2, 4; 37 C.F.R. § 42.20(c). In meeting this burden, Patent Owner must show that the information it seeks to seal is "truly confidential" and "concrete harm would result upon public disclosure." *Id.* "Few, if any, exhibits, even business records, should ever be confidential in their entirety, without good cause to show that *all* of the information contained therein is truly sensitive." *Edwards Lifesciences Corp. v. Boston Scientific Scimed, Inc.,* IPR2017-00060, Paper 24 at 7 (FN3) (PTAB July 20, 2017). Moreover, "[a] motion to seal will not be granted if it is based only on broad or generic contentions of confidentiality." *3M Co. v. Westech Aerosol Corp.,* IPR2018-00576, Paper 30 at 5 (PTAB Mar. 15, 2019).

But as with all other of PO's motions to seal, broad and generic contentions of confidentiality are all PO's Motion to Seal provides; PO has not shown that all

information contained in Patent Owner's Request for Director Review is "truly confidential," or that any "concrete harm" will result from its public disclosure. The Motion to Seal does not include an explanation as to why the content it seeks to seal is truly confidential and does not identify any specific aspects of Patent Owner's Request for Director Review that warrants sealing, let alone explain why the entire brief should be sealed. The Motion simply states "as explained below, this document [Patent Owner's Request for Director Review] contains sensitive, confidential, and non-public business information, including licensing information regarding Patent Owner's licenses." Paper 36 at 2-3. But PO does not "explain[] below" in the Motion anything about why the information it seeks to seal is "sensitive, confidential, and non-public business information;" instead, Patent Owner is repetitive, stating "Patent Owner's Request for Director Review, filed concurrently herewith, discusses the sensitive, confidential, and non-public business information discussed above, including information regarding Patent Owner's licenses." *Id.* at 3. Because PO has not met its burden, Petitioner respectfully requests the Motion to Seal be denied.

II. CONCLUSION

PO's Motion to Seal should be denied. As with its other motions to seal, PO does not adequately explain why the brief it seeks to seal contains any confidential information, let alone why sealing the *entirety* of it is appropriate. If appropriate,

the Board may choose to grant PO leave to file another motion to seal or direct PO to file a redacted version of Patent Owner's Request for Director Review.

Dated: March 26, 2024

Respectfully submitted,

/Roger Fulghum/

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CERTIFICATE OF SERVICE

In accordance with 37 C.F.R. § 42.6(e), the undersigned certifies that on the 26th day of March 2024, a complete and entire copy of this **PETITIONER'S OPPOSITION TO PATENT OWNER'S MOTION TO SEAL FILED FEBRUARY 26, 2024** was served on Patent Owner electronically via email to counsel for the Patent Owner:

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