

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SEMICONDUCTOR COMPONENTS INDUSTRIES, LLC and
TEXAS INSTRUMENTS INCORPORATED,
Petitioner,

v.

GREENTHREAD, LLC,
Patent Owner.

IPR2023-01242 (Patent 11,121,222 B2)
IPR2023-01243 (Patent 10,510,842 B2)
IPR2023-01244 (Patent 11,121,222 B2)¹

Before GRACE KARAFFA OBERMANN, JON B. TORNQUIST,
MONICA S. ULLAGADDI, and JULIA HEANEY, *Administrative Patent
Judges*.²

PER CURIAM.

ORDER
Conduct of the Proceedings
37 C.F.R. §§ 42.5, 42.54

¹ Texas Instruments Incorporated, which filed petitions in IPR2024-00673, IPR2024-00672, and IPR2024-00674, has been joined as a petitioner in each of these proceedings.

² This listing of Administrative Patent Judges does not reflect an expanded panel. This order addresses similar motions in each of the above-captioned proceedings that each involve three Administrative Patent Judges.

IPR2023-01242 (Patent 11,121,222 B2)
IPR2023-01243 (Patent 10,510,842 B2)
IPR2023-01244 (Patent 11,121,222 B2)

INTRODUCTION

On February 11, 2025, we issued under seal in each of the above-captioned proceedings a Final Written Decision (“Decision”). *See* Paper 84.³ In the Decision, we ordered the parties to jointly submit to the Board a version of the Decision to be filed in the public record, with any redactions proposed by either party.⁴ *Id.* at 73.

Patent Owner filed a Joint Motion to Seal Final Written Decision (Paper 85 (“Motion”)) and a redacted public version (Paper 86) of the Decision.

In the Motion, the parties request that we seal the Decision in its entirety because it discusses certain licensing information for which Patent Owner is under confidentiality obligations. Paper 85, 2.

For the reasons below, we *grant* the Motion.

DISCUSSION

The Board observes a strong public policy in favor of making information filed in *inter partes* review proceedings open to the public. *See Argentum Pharms. LLC v. Alcon Research, Ltd.*, IPR2017-01053, Paper 27 at 3–4 (PTAB Jan. 19, 2018) (informative). The record of an *inter partes* review shall be made available to the public, except as otherwise ordered, and a document filed with a motion to seal shall be treated as sealed until the motion is decided. 35 U.S.C. § 316(a)(1); 37 C.F.R. § 42.14. Only

³ For convenience, we refer only to the papers filed in IPR2023-01242, unless otherwise noted. The parties filed similar motions in IPR2023-01243 and IPR2023-01244.

⁴ We entered a Modified Protective Order in these proceedings on September 11, 2024. Paper 63, 9 (entering IPR2024-01242, Paper 24, App. A; IPR2023-01243, Paper 23, App. A; IPR2023-01244, Paper 24, App. A).

IPR2023-01242 (Patent 11,121,222 B2)
IPR2023-01243 (Patent 10,510,842 B2)
IPR2023-01244 (Patent 11,121,222 B2)

“confidential information” may be protected against public disclosure. 35 U.S.C. § 316(a)(7); 37 C.F.R. § 42.54.

The standard for granting a motion to seal is “good cause.” 37 C.F.R. § 42.54(a). The moving party bears the burden of showing that the relief requested should be granted. 37 C.F.R. § 42.20(c). That includes a sufficient showing that

- (1) the information sought to be sealed is truly confidential, (2) a concrete harm would result upon public disclosure, (3) there exists a genuine need to rely in the trial on the specific information sought to be sealed, and (4), on balance, an interest in maintaining confidentiality outweighs the strong public interest in having an open record.

Argentum, Paper 27 at 3–4; *see also Corning Optical Commc’ns RF, LLC v. PPC Broadband, Inc.*, IPR2014-00440, Paper 46 at 2 (PTAB April 6, 2015) (requiring a showing that information has not been “excessively redacted”).

Patent Owner explains that it is “under confidentiality obligations regarding licensing information referenced in the redacted portions” of the Decision. Paper 85, 2. We have reviewed the information Patent Owner seeks to seal in the Decision and determined it is narrowly tailored to licensing information. We have already found good cause to seal the same licensing information in other papers filed by Patent Owner. *See* Paper 63.

Having considered the Motion, we determine that good cause exists to seal the Decision. Patent Owner demonstrates that the information it seeks to seal is confidential licensing information. Given the subject matter of the information, the mutual agreement between the parties as to the redactions, and the narrowly tailored redactions contained in the public version of the Decision, we determine that the interest in maintaining the information as

IPR2023-01242 (Patent 11,121,222 B2)
IPR2023-01243 (Patent 10,510,842 B2)
IPR2023-01244 (Patent 11,121,222 B2)

confidential outweighs the public interest in having the information unsealed.

Accordingly, we conclude that good cause exists to maintain under seal the Final Written Decision in each of IPR2023-01242, IPR2023-01243, and IPR2023-01244, and we *grant* the Motion.

ORDER

It is hereby:

ORDERED that each Joint Motion to Seal Final Written Decision filed in the above-captioned cases (IPR2023-01242, Paper 85; IPR2023-01243, Paper 83; IPR2023-01244, Paper 84) is *granted*;

FURTHER ORDERED that each confidential Final Written Decision issued February 11, 2025 in the above-captioned cases (IPR2023-01242, Paper 84; IPR2023-01243, Paper 82; and IPR2023-01244, Paper 83) shall be *maintained* under seal.

IPR2023-01242 (Patent 11,121,222 B2)
IPR2023-01243 (Patent 10,510,842 B2)
IPR2023-01244 (Patent 11,121,222 B2)

FOR PETITIONER:

Roger Fulghum
Mark Speegle
Daniel Anderson
Ellyar Barazesh
BAKER BOTTS L.L.P.
roger.fulghum@bakerbotts.com
mark.speegle@bakerbotts.com
daniel.anderson@andersonpatents.com
ellyar.barazesh@bakerbotts.com

Joshua Griswold
Patrick Bisenius
FISH & RICHARDSON P.C.
griswold@fr.com
bisenius@fr.com

PATENT OWNER:

Alan Whitehurst
Nicholas Matich
Arvind Jairam
Stuart McCommas
Archis Ozarkar
MCKOOL SMITH, P.C.
awhitehurst@mckoolsmith.com
nmatich@mckoolsmith.com
ajairam@mckoolsmith.com
smccommas@mckoolsmith.com
nozarkar@mckoolsmith.com