UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SEMICONDUCTOR COMPONENTS INDUSTRIES, LLC,
Petitioner

v.

GREENTHREAD LLC,
Patent Owner

Case No. IPR2023-01243
U.S. Patent No. 10,510,842

PETITIONER'S OPPOSITION TO PATENT OWNER'S MOTION TO SEAL FILED OCTOBER 17, 2023

Petitioner Semiconductor Components Industries, LLC, d/b/a onsemi, submits this Opposition to Patent Owner Greenthread, LLC's Motion to Seal (Paper 6), filed October 17, 2023.[1] The Motion to Seal requests sealing Patent Owner's Motion for Additional Discovery (Paper 7) and Exhibits 2002, 2014, and 2022 in their entireties. Paper 7 at 2-4. Patent Owner also seeks entry of the Board's Default Protective Order. *Id.* Exhibits 2002 and 2014 are email communications between counsel for Petitioner and counsel for Patent Owner.

The Motion to Seal states "Petitioner indicated that it does not oppose this Motion to Seal." Paper 6 at 2. When Patent Owner filed its Motion to Seal, Petitioner was not aware of the precise content of the confidential information that would be included in Patent Owner's Motion for Additional Discovery and Exhibits, and therefore did not oppose Patent Owner *filing* these documents under seal, *i.e.,* as available to the Parties and Board only.

Now that these documents have been filed and Petitioner's counsel have been able to review them, Petitioner opposes Patent Owner's Motion to Seal and submits

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

that the requests to seal the Motion for Additional Discovery, Exhibit 2002, and Exhibit 2014 in their entireties should be denied.[2]

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 v. Alcon Research, Ltd.,* IPR2017-01053, Paper 27 at 2, 4 (PTAB Jan. 19, 2018) (Informative); 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,

[2] Petitioner does not oppose sealing Exhibit 2022 in its entirety.

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 broad and generic contentions of confidentiality are all Patent Owner's Motion to Seal provides; Patent Owner has not shown that all information contained in the documents it seeks to seal is "truly confidential," or that any "concrete harm" will result from their public disclosure. Because Patent Owner has not carried its burden, Petitioner respectfully requests that Patent Owner's motion to seal be denied. In the alternative, Petitioner requests that the Board order that Patent Owner submit redacted versions of all previous sealed materials (except for Exhibit 2022).

Dated: November 17, 2023

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 17th day of November 2023, a complete and entire copy of this **PETITIONER'S OPPOSITION TO PATENT OWNER'S MOTION TO SEAL FILED OCTOBER 17, 2023** was served on Patent Owner electronically via email to counsel for the Patent Owner:

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