UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SEMICONDUCTOR COMPONENTS INDUSTRIES, LLC,
Petitioner

v.

GREENTHREAD LLC,
Patent Owner

Case IPR2023-01244
U.S. Patent No. 11,121,222

PETITIONER'S OPPOSITION TO PATENT OWNER'S MOTION TO SEAL FILED DECEMBER 14, 2023

Petitioner Semiconductor Components Industries, LLC, d/b/a onsemi, submits this Opposition to Patent Owner ("PO") Greenthread, LLC's Motion to Seal (Paper 24) filed December 14, 2023.[1] The Motion to Seal requests sealing Petitioner's Reply to Patent Owner's Preliminary Response (Paper 22) "in its entirety, subject to later filing of a redacted version." Paper 24 at 2. Petitioner opposes the Motion to Seal and entry of the amended Protective Order.

I. PO MISCHARACTERIZES PETITIONER'S POSITION

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 the documents it seeks to seal is "truly confidential," or that any "concrete harm" will result from their public disclosure. The Motion to Seal does not include an explanation as to why the content it seeks to seal is truly confidential. The Motion simply states "as explained below, that document [Petitioner's Reply to Patent Owner's Preliminary Response] contains sensitive, confidential, and non-public business information, including licensing information regarding the identities of the parties in license agreement and the terms of the license agreements." Paper 24 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." *Id.* at 2-4. Because PO has not met its burden, Petitioner respectfully requests the motion to seal be denied.

II. PO'S AMENDED PROTECTIVE ORDER SHOULD NOT BE ENTERED

PO previously moved for entry of the default protective order in this proceeding. Paper 7 at 4-5. Petitioner did not oppose. Now, PO has changed tact and is unilaterally attempting to withdraw that protective order and replace it with an amended protective order. Paper 24 at 4. PO did not confer with Petitioner before filing the amended protective order and Petitioner had no knowledge of it until PO filed it. PO opposes this change to the proposed protective order.

PO also has not explained why, months after requesting entry of the default protective order, it is now attempting entry of an amended protective order. Nor has

it explained why the default protective order was somehow deficient. Without a justification for the amended protective order, PO's amended protective order should not be entered.

III. CONCLUSION

PO's motion to seal and attempted entry of the amended protective order should be denied. As with its other motions to seal, PO does not adequately explain why the Reply contains any confidential information, let alone why sealing the *entirety* of the Reply 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 the Reply.

Dated: January 16, 2024 Respectfully submitted,

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CERTIFICATE OF SERVICE

In accordance with 37 C.F.R. § 42.6(e), the undersigned certifies that on the 16th day of January 2024, a complete and entire copy of this **PETITIONER'S OPPOSITION TO PATENT OWNER'S MOTION TO SEAL FILED DECEMBER 14, 2023** was served on Patent Owner electronically via email to counsel for the Patent Owner:

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