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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[1] (Patent 11,121,222 B2)
IPR2023-01243[2] (Patent 10,510,842 B2)
IPR2023-01244[3] (Patent 11,121,222 B2)[4]

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[1] Texas Instruments Incorporated, which filed a petition in IPR2024-00673, has been joined as a petitioner in this proceeding.
[2] Texas Instruments Incorporated, which filed a petition in IPR2024-00672, has been joined as a petitioner in this proceeding.
[3] Texas Instruments Incorporated, which filed a petition in IPR2024-00674, has been joined as a petitioner in this proceeding.
[4] The combined caption is for administrative convenience only and does not indicate that IPR2023-01242, IPR2023-01243, and IPR2023-01244 have been joined or consolidated. The parties are not authorized to use this caption without express permission of the Board.

Before GRACE KARAFFA OBERMANN, JON B. TORNQUIST, MONICA S. ULLAGADDI, and JULIA HEANEY, *Administrative Patent Judges*.[5]

PER CURIAM.

ORDER
Granting Patent Owner's Motion to Seal
and
Conduct of the Proceedings
37 C.F.R. §§ 42.5, 42.14, 42.54

[5] 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.

I. INTRODUCTION

Patent Owner filed a Motion to Seal (Paper 64, "Motion" or "Mot.")[6] in each of the above-identified proceedings, in which Patent Owner moves to seal, in their entirety, Patent Owner's Sur-reply (Paper 65) and Exhibit 2081. Patent Owner also concurrently filed redacted versions of Patent Owner's Sur-reply (Paper 66) and Exhibit 2081. According to Patent Owner, "Petitioner indicated it 'will not oppose narrowly tailored redactions of genuinely confidential information, as the Board has recently approved.'" Mot. 1. For the reasons discussed below, we *grant* Patent Owner's Motion to Seal.

We also address below certain papers and exhibits filed under seal in these proceedings, wherein motions to seal and redacted versions of those under seal, if not already submitted, are required if either party wants to maintain them under seal.

II. PATENT OWNER'S MOTION TO SEAL

The record of an *inter partes* review shall be made available to the public, except as otherwise ordered, and any documents 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 "confidential information" may be protected against public disclosure. 35 U.S.C. § 316(a)(7); 37 C.F.R. § 42.54. The Board observes a strong public policy in favor of making

[6] For expediency, we cite to the motions and papers filed in IPR2023-01242. Similar motions and papers were filed in IPR2023-01243 and IPR2023-01244.

information filed in its 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 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). For a sufficient showing for a motion to seal, the Board has required 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").

In the Motion, Patent Owner explains that "Patent Owner is under confidentiality obligations regarding licensing information referenced in the redacted portions" of Patent Owner's Sur-reply and Ex. 2081. Mot. 1. Patent Owner further explains that its request "to seal the information [is] to avoid potential disputes with the party to whom Greenthread owes confidentiality obligations, who has specifically requested that Greenthread maintain the confidentiality." *Id*. at 1–2. Patent Owner also explains that it "seeks to seal sensitive information regarding a deponent's health." *Id*. at 2. Under the Modified Protective Order we entered on September 11, 2024 (Paper 63, 9; Paper 24, App. A), Patent Owner designates Patent Owner's

Sur-reply and Ex. 2081 in their entirety as "PROTECTIVE ORDER MATERIAL." Mot. 2.

Upon review of Patent Owner's Motion, we are persuaded that good cause exists to seal some of the unredacted versions of Patent Owner's Sur-reply and Ex. 2081 identified in Patent Owner's Motion. *See* Mot. Patent Owner has narrowly tailored the redacted portions of each paper and exhibit so as to protect sensitive or otherwise confidential information while balancing the public interest in an open record. *See* Paper 66; Exhibit 2081 (redacted version).

Confidential information that is subject to a protective order ordinarily becomes public forty-five (45) days after final judgment in a trial. Consolidated Trial Practice Guide[7] 21–22. After final judgment in a trial, a party may file a motion to expunge confidential information from the record prior to the information becoming public in accordance with 37 C.F.R. § 42.56. However, the sealed information discussed above will remain under seal, at least until the time period for filing a notice of appeal has expired or, if an appeal is taken, the appeal process has concluded. The record for the instant proceeding will be preserved in its entirety, and the confidential documents will not be expunged or made public, pending possible appeal. Notwithstanding 37 C.F.R. § 42.56 and the Office Patent Trial Practice Guide, neither a motion to expunge confidential documents nor a motion to maintain these documents under seal is necessary or authorized at this time. *See* 37 C.F.R. § 42.5(b).

[7] Available at https://www.uspto.gov/TrialPracticeGuideConsolidated.

III. CONDUCT OF THE PROCEEDINGS

In our prior order (Paper 63) regarding Patent Owner's previous motions to seal (Papers 7, 13, 17, 24, 27, 36, 46), we authorized Patent Owner to file new motions to seal:

Paper 22 and Exhibits 2029 and 2056 in IPR2023-01242;

Paper 21 and Exhibits 2029 and 2056 in IPR2023-01243; and

Paper 22 and Exhibits 2029 and 2056 in IPR2023-01244, along with proposed redacted versions of these papers and exhibits. *See* Paper 63, 8–9. To date, Patent Owner has *not* filed new motions to seal these papers and exhibits, *nor* has it submitted redacted versions of these papers and exhibits. To the extent Patent Owner (or Petitioner) wants to maintain these papers and exhibits under seal, new motions to seal these papers and exhibits must be filed, accompanied by redacted versions of these papers and exhibits, within 7 days of this Order. In the absence of any motions to seal, the unredacted versions of these papers and exhibits will become public.

In our prior order (Paper 63) on Petitioner's previous motion to seal (Paper 10), we authorized Petitioner to file new motions to seal:

Paper 11 and Exhibits 1046 and 1047 in IPR2023-01242;

Paper 10 and Exhibits 1046 and 1047 in IPR2023-01243; and

Paper 11 and Exhibits 1046 and 1047 in IPR2023-01244, along with proposed redacted versions of these papers and exhibits. *See* Paper 63, 9. Subsequently, Petitioner filed redacted versions of these papers and exhibits as follows:

Paper 70 (redacted version of Paper 11) and redacted versions of Exhibits 1046 and 1047 in IPR2023-01242;

Paper 68 (redacted version of Paper 10) and redacted versions of Exhibits 1046 and 1047 in IPR2023-01243; and

Paper 69 (redacted version of Paper 11) and redacted versions of Exhibits 1046 and 1047 in IPR2023-01244.

However, the redacted versions of these papers and exhibits were not accompanied by new motions to seal as we ordered. To the extent Petitioner (or Patent Owner) wants to maintain these papers and exhibits under seal, new motions to seal these papers and exhibits must be filed within 7 days of this Order. In the absence of any motions to seal, the unredacted versions of these papers and exhibits will become public.

In addition, Petitioner filed both sealed and redacted versions of Petitioner's Reply to Patent Owner Response and Ex. 1053 in each of the above-identified proceedings as follows:

Paper 62 (under seal), Paper 71 (redacted version of Paper 62), and sealed and redacted versions of Ex. 1053 in IPR2023-01242;

Paper 61 (under seal), Paper 69 (redacted version of Paper 61), and sealed and redacted versions of Ex. 1053 in IPR2023-01243; and

Paper 61 (under seal), Paper 70 (redacted version of Paper 61), and sealed and redacted versions of Ex. 1053 in IPR2023-01244.

However, the sealed and redacted versions of the papers and exhibits were not accompanied by any motions to seal. To the extent, Petitioner (or Patent Owner) wants to maintain these papers and exhibits under seal, motions to

seal these papers and exhibits must be filed within 7 days of this Order. In the absence of any motions to seal, the unredacted versions of these papers and exhibits will become public.

IV. ORDER

Accordingly, it is

ORDERED that Patent Owner's Motion is *granted* in each of the above-identified proceedings with respect to sealing the unredacted versions of:

Paper 65 and Exhibit 2081 in IPR2023-01242;

Paper 64 and Exhibit 2081 in IPR2023-01243; and

Paper 64 and Exhibit 2081 in IPR2023-01244;

FURTHER ORDERED that, within 7 days of this Order, Patent Owner (or Petitioner) file new motions to seal the unredacted versions of:

Paper 22 and Exhibits 2029 and 2056 in IPR2023-01242;

Paper 21 and Exhibits 2029 and 2056 in IPR2023-01243; and

Paper 22 and Exhibits 2029 and 2056 in IPR2023-01244, along with proposed redacted versions of these papers and exhibits, to the extent the filing party wants to maintain the unredacted versions of these papers and exhibits under seal; and

FURTHER ORDERED that, within 7 days of this Order, Petitioner (or Patent Owner) file new motions to seal the unredacted versions of:

Papers 11, 62, and Exhibits 1046, 1047, and 1053 in IPR2023-01242;

Papers 10, 61, and Exhibits 1046, 1047, and 1053 in IPR2023-01243; and

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Papers 11, 61, and Exhibits 1046, 1047, and 1053 in IPR2023-01244, to the extent the filing party wants to maintain these papers and exhibits under seal.

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