UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS INC.,
Petitioner,

v.

PANTECH WIRELESS, LLC,
Patent Owner.

IPR2023-01267 (Patent 9,313,809 B2)
IPR2023-01268 (Patent 9,575,631 B2)
IPR2023-01269 (Patent 9,854,545 B2)
IPR2023-01270 (Patent 10,869,247 B2)
IPR2023-01272 (Patent 9,065,486 B2)
IPR2023-01273 (Patent 9,136,924 B2)

PETITIONER'S MOTION TO SEAL
UNDER 37 C.F.R. §§ 42.14 and 42.54

Pursuant to 37 C.F.R. §§ 42.14 and 42.54 and Section 1(E)(4) and Appendix B of the Trial Practice Guide, Petitioner LG Electronics Inc. ("Petitioner") respectfully submits this Motion to Seal and for Entry of a Protective Order in each of the above-captioned IPR proceedings (the "LGE-Pantech IPRs"). A copy of the parties' agreed proposed Protective Order is being submitted as Exhibit 1200 ("Proposed Protective Order"). Petitioner met and conferred with Patent Owner regarding the Proposed Protective Order, and Patent Owner indicated that it agrees to the Proposed Protective Order.

The Board should enter the parties' agreed proposed protective order because it is based upon the protective order governing the parties' parallel litigation in *Pantech Corp. and Pantech Wireless, LLC v. LG Elecs. Inc. And LG Elecs. U.S.A., Inc.*, No. 5:22-cv-113-RWS-JBB (E.D. Texas) (the "Texas Case"). The Trial Practice Guide states as follows:

> When a proceeding before the Board involves the same parties and subject matter as a parallel district court proceeding, parties may propose that a protective order entered by the district court be adopted by the Board. The Board may enter such a proposed protective order especially if certain provisions commonly found in district court protective orders that are unnecessary or inappropriate in proceedings before the Board are removed before submitting the proposed protective order to the Board. For example, provisions protecting computer source code may be unnecessary because proceedings before the Board rarely, if ever, require analysis of computer source code. Likewise, prosecution bars are rarely appropriate in proceedings before the Board because the disadvantage caused by a prosecution bar to patent owners wishing to make use of amendment or reissue processes in most cases outweighs the risk that confidential technical information about existing or future commercial products will be revealed during a proceeding. Finally, all

> terms of district court protective orders that conflict with Board procedures for filing or otherwise handling confidential information should be removed before the proposed order is submitted to the Board.

Trial Practice Guide at 116. Consistent with the Trial Practice Guide, the Proposed Protective Order is a modified version of the protective order entered in the Texas Case. The modifications to the Texas Case protective order have been made to (1) remove provisions relating to source code inspections; (2) remove the prosecution bar from the Proposed Protective Order (with the caveat that disclosure in the LGE-Pantech IPRs cannot serve as a basis or support for any argument that the provisions of the prosecution bar in the E.D. Texas protective order do not apply); and (3) to account for differences in procedure between E.D. Texas and before the Board.

Good cause exists for entry of this Protective Order. "The rules identify confidential information in a manner consistent with Federal Rule of Civil Procedure 26(c)(1)(G), which provides for protective orders for trade secret or other confidential research, development, or commercial information. 37 C.F.R. § 42.54." Trial Practice Guide at 19. As reflected in LGE's motion papers and supporting exhibits, the information to be submitted to the Board includes party confidential information relating to technical and financial information that LGE believes comprises confidential trade secret, confidential research, development, and commercial financial information. Specifically, LGE hereby submits under seal the following materials to be designated as RESTRICTED CONFIDENTIAL – ATTORNEYS' EYES ONLY under the Proposed Protective Order:

- Petitioner's Motion to Disqualify Mayer Brown LLP (public version to be separately filed)
- Ex. 1201 – Declaration of Hojun Suh (public version to be separately filed)
- Ex. 1202 – Declaration of Soo Hong (public version to be separately filed)
- Ex. 1211 (public version to be separately filed)
- Ex. 1215 (full exhibit)
- Ex. 1251 (full exhibit)
- Ex. 1252 (full exhibit)
- Ex. 1253 (full exhibit)
- Ex. 1254 (full exhibit)
- Ex. 1255 (full exhibit)
- Ex. 1256 (full exhibit)
- Ex. 1257 (full exhibit)

Several of the above documents were also submitted under seal in the Texas Case. LGE has redacted and/or filed as under seal in full the above documents consistent with what was submitted in the Texas Case under the protective order governing that case.

Additionally, some of the materials to be submitted include privileged information that LGE believes is relevant to the Board's determination of whether Mayer Brown LLP should be disqualified. The Proposed Protective Order sets forth provisions for LGE to be able to submit such materials under seal with access for the

"Filing Party and Board Only"—a designation intended to allow a party to protect potentially privileged information. *See Spectrum Sol'ns v. Longhorn Vaccines & Diags., LLC*, IPR2021-00847, Paper 107, at 44 ("[A] party may file an exhibit under seal as 'Filing Party and Board Only' in the Board's electronic filing system. Doing so would have allowed Patent Owner to comply with its duty of candor and good faith to the Office and shielded the information while the Board determined what was material to patentability and what was otherwise privileged."). The Proposed Protective Order does not authorize the parties to submit under seal any materials that should otherwise be accessible to the public. Specifically, LGE hereby moves to seal the following materials designated as RESTRICTED CONFIDENTIAL PRIVILEGED INFORMATION under the Proposed Protective Order:

- Ex. 1248 (full exhibit)

Accordingly, LG Electronics requests that the Proposed Protective Order filed as Exhibit 1200 be entered in this case, and that the confidential and privileged information filed as part of Petitioner's Motion to Disqualify Mayer Brown as PO's Counsel and identified above be sealed pursuant to the terms of that Proposed Protective Order.

Respectfully submitted,

Dated: November 21, 2023

By: /*James L. Davis, Jr.*/
Name: James L. Davis, Jr.
Registration No. 57,325

Counsel for Petitioner LG Electronics Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing PETITIONER'S MOTION TO SEAL UNDER 37 C.F.R. §§ 42.14 and 42.54 was served via electronic mail to the following attorneys of record for the Patent Owner listed below:

Lead Counsel	Back-Up Counsel
Amanda S. Bonner Registration No. 65,224 Mayer Brown LLP 71 S. Wacker Drive Chicago, IL 60606 Telephone: 312-782-0600 Facsimile: 312-706-8157 asbonner@mayerbrown.com Pantech-LGE-IPRService@mayerbrown.com	James A. Fussell, III Registration No. 54,885 Clark S. Bakewell Registration No. 71,615 Baldine B. Paul Registration No. 54,369 Seth W. Bruneel Registration No. 78,973 William B. Nash Registration No. 79,859 Mayer Brown LLP 1999 K Street NW Washington, D.C. 20006 Telephone: 202-263-3000 Facsimile: 202-263-3300 jfussell@mayerbrown.com cbakewell@mayerbrown.com bpaul@mayerbrown.com sbruneel@mayerbrown.com BNash@mayerbrown.com Luiz Miranda Registration No. 74,762 Mayer Brown LLP 71 S. Wacker Drive Chicago, IL 60606 Telephone: 312-782-0600 Facsimile: 312-706-8172

	lmiranda@mayerbrown.com

Dated: November 21, 2023

By: */Dara Del Rosario/*
Name: Dara Del Rosario
ROPES & GRAY LLP