

From: [Trials](#)
To: [Michael Neustel](#); [Trials](#)
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Subject: RE: IPR2023-01372 - Petitioner's Motion to Strike Portions of PO's Motion to Seal (Paper 28)
Date: Thursday, October 31, 2024 1:22:13 PM

Counsel: Petitioner's request to strike pages 6-11 of Patent Owner's Motion to Seal (Paper 28) is denied. To the extent that the arguments on those pages is relevant to whether Patent Owner demonstrates sufficiently that Exhibits 1060–1063 contain confidential information, under the standards articulated in the Board's informative *Argentum* decision referenced in the email below, the Board is capable of assigning those arguments appropriate probative weight. No conference call is necessary.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
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From: Michael Neustel <michael@neustel.com>
Sent: Wednesday, October 30, 2024 9:34 PM
To: Trials <Trials@USPTO.GOV>
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Subject: IPR2023-01372 - Petitioner's Motion to Strike Portions of PO's Motion to Seal (Paper 28)

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Dear Honorable Board:

Petitioner Omega Liner Company, Inc. seeks authorization from the Board for a Motion to Strike pages 6-11 of Patent Owner's recently filed Motion to Seal (Paper 28) on grounds of improper merits briefing in the above-captioned matter (IPR2023-01372). The arguments on pages 6-11 do not relate to the confidentiality of Exhibits 1060-1063 and instead are directed to the merits. As these arguments are wholly inappropriate, and Petitioner does not want to perpetuate this impropriety by responding in its opposition, Petitioner requests that the offending portions be stricken, or the filing be stricken in its entirety with leave to refile a compliant motion.

The parties have conferred on this issue via email. Patent Owner has refused to provide its

opposition for inclusion in this email, or any available times for a conference. Instead, Patent Owner claims that it did not understand Petitioner's authority for insisting the rules be followed despite having just asked for a Motion to Strike last week. Also, Patent Owner has repeatedly requested Petitioner to stipulate to sealing exhibits to moot the motion, but Patent Owner was told just last week that the PTAB does not simply accept party designations of confidentiality and that a motion to seal pursuant to *Argentum* is required.

Petitioner does not believe a call is necessary, as the parties held a call with the Board a few days ago on October 24, 2024, and this matter could be added to the outstanding Order resulting from that call. Should the Board deem a discussion appropriate, Petitioner's counsel has been informed that Patent Owner's lead counsel is out of the country until Monday, November 4, 2024.

Best regards,

Michael Neustel

Lead Counsel for Petitioner Omega Liner Company, Inc.

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