

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CIRRUS LOGIC, INC., OMNIVISION TECHNOLOGIES, INC., and
TEXAS INSTRUMENTS INCORPORATED,
Petitioner,

v.

GREENTHREAD, LLC,
Patent Owner.

IPR2024-00017¹
Patent 8,421,195 B2

Before GRACE KARAFFA OBERMANN, DONNA M. PRAISS, and
MONICA S. ULLAGADDI, *Administrative Patent Judges*.

OBERMANN, *Administrative Patent Judge*.

ORDER

Granting Patent Owner's Motions to Seal;
Granting Patent Owner's Motion for Entry of Modified Protective Order
37 C.F.R. §§ 42.14, 42.54

¹ Texas Instruments Incorporated, which filed a petition in IPR2024-00771, has been joined as a party to this proceeding.

I. INTRODUCTION

On September 27, 2024, December 19, 2024, and January 17, 2025, Patent Owner filed Motions to Seal in the above-captioned proceeding (collectively, “Patent Owner’s Motions to Seal”). Papers 51, 58, 66. Petitioner has not opposed Patent Owner’s Motions to Seal. On May 28, 2025, we issued an Order authorizing Patent Owner to file redacted versions of documents it wishes to seal that are already the subject of a motion to seal, and requesting the parties to jointly file a chart that identifies: as yet undecided motions to seal and corresponding oppositions, replies, and sur-replies; documents sought to be sealed by each motion; corresponding redacted versions; and information sought to be sealed. Paper 83, 3–4.

On September 27, 2024, Patent Owner also filed a Motion for Entry of Modified Protective Order, which includes Patent Owner’s proposed modified Protective Order as Appendix A and a redline comparison between Patent Owner’s proposed modified Protective Order and the Board’s default protective order as Appendix B. Paper 51. Petitioner has not opposed Patent Owner’s Motion for Entry of Modified Protective Order.

II. MOTIONS TO SEAL

Pursuant to our May 28, 2025 Order (Paper 83), on June 11, 2025, the parties jointly submitted a chart (reproduced below) “that identifies all unresolved motion(s) to seal, the corresponding document(s) (papers or exhibits) sought to be sealed by these motions, the information sought to be sealed, and the status of any redacted versions of those document(s)” in this proceeding. Paper 84, 2.

Undecided Motion to Seal	Document(s) Sought to be Sealed	Redacted Version / Status	Information Sought to be Sealed
Paper 51	Paper 9 (PO Motion for Additional Discovery)	Paper 40	Names of parties potentially in privity with Petitioners and associated products
	Paper 11 (Petitioner's Response to PO's Discovery Motion)	Paper 38	Names of parties potentially in privity with Petitioners and other licensing information
	Paper 13 (PO Reply in Support of Discovery Motion)	Paper 41	Names of parties potentially in privity with Petitioners and associated products
	Paper 16 (PO Preliminary Response)	Paper 42	Names of parties potentially in privity with Petitioners and associated products
	Paper 20 (Petitioner's Preliminary Reply)	Paper 39	Names of parties potentially in privity with Petitioners and other licensing information
	Paper 33 (Director Review Request of Institution Decision)	Paper 43	N/A
	Paper 45 (PO Response)	Paper 47	Names of parties potentially in privity with Petitioners, associated products, and other previous licensees
	Ex. 2011 (Oct. 2023 email	[REDACTED] Ex. 2011	Names of parties potentially in privity with

IPR2024-00017

Patent 8,421,195 B2

Undecided Motion to Seal	Document(s) Sought to be Sealed	Redacted Version / Status	Information Sought to be Sealed
	chain between counsel)		Petitioners
	Ex. 2016 (Oct. 2023 email chain between counsel)	[REDACTED] Ex. 2016	Names of parties potentially in privity with Petitioners
	Ex. 2022 (Confidential agreement)	[REDACTED] Ex. 2022	Name of a party potentially in privity with Petitioners and prior proceedings involving the party
	Ex. 2028 (Confidential declaration)	[REDACTED] Ex. 2028	Names of parties potentially in privity with Petitioners and other licensing information
	Ex. 2034 (Confidential agreement)	[REDACTED] Ex. 2034	Names of parties potentially in privity with Petitioners and other licensing information
	Ex. 2037 (Jan. 2024 email chain between counsel)	[REDACTED] Ex. 2037	Names of PO's prior licensees
	Ex. 2038 (Oct. 2023 email chain between counsel)	[REDACTED] Ex. 2038	Names of parties potentially in privity with Petitioners
	Ex. 2044 (Nov.-Dec. 2023 email chain between counsel)	[REDACTED] Ex. 2044	Names of parties potentially in privity with Petitioners
	Ex. 2072 (Declaration of Dr. Mohan Rao)	[REDACTED] Ex. 2072	Names of PO's prior licensees

Undecided Motion to Seal	Document(s) Sought to be Sealed	Redacted Version / Status	Information Sought to be Sealed
Paper 58	Paper 59 (PO Sur-Reply)	Paper 63	Names of PO's prior licensees
Paper 66	Paper 67 (PO Opposition to Petitioner's Motion to Exclude)	x	Names of PO's prior licensees

Paper 84, 2–5. Patent Owner concurrently filed the redacted document highlighted in the chart and denoted with an “x”. *See id.* at 2; Paper 85.

The record of an *inter partes* review shall be made available to the public, except as otherwise ordered, and a document 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 information filed in *inter partes* review 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). That includes a sufficient showing 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”).

Upon review of Patent Owner’s Motions to Seal, we are persuaded that good cause exists to seal the unredacted versions of the papers and exhibits identified in Patent Owner’s Motions. *See* Papers 51, 58, 66. 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* Papers 38–43, 47, 63, 85; Exs. 2011, 2016, 2022, 2028, 2034, 2037, 2038, 2044, 2072 (redacted versions).

III. MODIFIED PROTECTIVE ORDER

The Board may, for good cause, issue a protective order “to protect a party or person from disclosing confidential information.” 37 C.F.R. § 42.54(a). A protective order is not entered by default but must be proposed by one or more parties and must be approved and entered by the Board. Patent Trial and Appeal Board Consolidated Trial Practice Guide 19–20, 107 (Nov. 2019) (“Trial Practice Guide”).² The Trial Practice Guide sets forth specific guidelines on proposing a protective order and provides a Default Protective Order. *See* Trial Practice Guide 19–20, 107–122. The parties may propose modifications to the Default Protective Order and the Board will generally accept such proposed changes if they are

² Available at <http://www.uspto.gov/TrialPracticeGuideConsolidated>.

consistent with the integrity and efficient administration of the proceedings. *Id.* at 115. For example, the parties may agree to provide additional tiers or categories of confidential information, such as “Attorneys’ Eyes Only,” and the Board will presumptively accept agreed-to changes that provide additional categories of confidentiality as long as they are reasonable and adequately define what types of materials are to be included in the additional categories. *Id.* at 115–116.

Patent Owner seeks to modify the Board’s Default Protective Order to add an additional category of “Outside Attorneys’ Eyes Only” material that is more sensitive than materials in the “Confidential” category and “whose disclosure to in-house counsel or personnel of an opposing party would create a substantial risk of serious harm.” Paper 51, App. A at 1. Patent Owner designates Exhibits 2022, 2034, and 2072 in their entirety as “PROTECTIVE ORDER MATERIAL/OUTSIDE ATTORNEYS’ EYES ONLY” since they “contain highly competitively sensitive information related to licensing, such as information related to the identities of certain licensees and the licenses to which they agreed.” Paper 51, 4.

We observe that the modified Protective Order differs from the Default Protective Order in that it provides an additional category of confidential information. Paper 51, App. B. After reviewing the proposed modifications to the Default Protective Order, we determine that the changes are consistent with the integrity and efficient administration of the proceedings. Accordingly, we grant Patent Owner’s unopposed Protective Order Motion.

Accordingly, it is

IPR2024-00017

Patent 8,421,195 B2

ORDERED that Patent Owner's Motions to Seal (Papers 51, 58, 66) are *granted* with respect to Papers 9, 11, 13, 16, 20, 33, 45, 59, and 67 and Exhibits 2011, 2016, 2022, 2028, 2034, 2037, 2038, 2044, and 2072 in the above-captioned proceeding; and

FURTHER ORDERED that the modified Protective Order (Appendix A of Paper 51) is entered in the above-captioned proceeding.

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IPR2024-00017

Patent 8,421,195 B2

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