**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

CIRRUS LOGIC, INC.;
OMNIVISION TECHNOLOGIES, INC.; AND
AMS SENSORS USA INC.,
Petitioner,

v.

GREENTHREAD, LLC,
Patent Owner.

Case No. IPR2024-00018
Patent No. 9,190,502

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# PETITIONER'S OPPOSITION TO PATENT OWNER'S MOTION TO SEAL FILED DECEMBER 22, 2023

# TABLE OF EXHIBITS

| Exhibit No. | Description |
|---|---|
| 1001 | U.S. Patent No. 9,190,502 to Rao (the "'502 Patent") |
| 1002 | Prosecution History of the '502 Patent ("the Prosecution History") |
| 1003 | Declaration of Sanjay Banerjee, PhD |
| 1004 | Curriculum Vitae of Sanjay Banerjee, PhD |
| 1005 | U.S. Patent No. 4,684,971 ("Payne") |
| 1006 | U.S. Patent No. 4,907,058 to Sakai ("Sakai") |
| 1007 | U.S. Patent No. 6,043,114 to Kawagoe, et al., ("Kawagoe") |
| 1008A | Wolf and Tauber, *Silicon Processing For The VLSI Era,* Vol 1, Lattice Press (2000) ("Wolf.1") |
| 1008B | Wolf and Tauber, *Silicon Processing For The VLSI Era,* Vol. 2, Lattice Press (2000) ("Wolf.2") |
| 1008C | Wolf and Tauber, *Silicon Processing For The VLSI Era,* Vol. 3, Lattice Press (2000) ("Wolf.3") |
| 1008D | Wolf and Tauber, *Silicon Processing For The VLSI Era,* Vol. 4, Lattice Press (2000) ("Wolf.4") |
| 1009 | U.S. Patent No. 4,160,985 ("Kamins") |
| 1010 | U.S. Patent No. 4,481,522 ("Jastrzebski") |
| 1011 | U.S. Patent Application Publication No. 2003/0042511 ("Rhodes") |
| 1012 | U.S. Patent Application Publication No. 2002/0102783 ("Fujimoto") |
| 1013 | Wang and Agrawal, *Single Event Upset: An Embedded Tutorial*, 21st Intl Conf on VLSI Design, IEEE 2008 ("Wang") |
| 1014 | Publication Declaration of Alyssa G. Resnick for Wolf.1 and Wolf.2 ("Resnick Decl.") |
| 1015 | Publication Declaration of Rachel J. Watters for Wolf.3 and Wolf.4 ("Watters Decl.") |
| 1016 | IPR2020-290, Patent Owner Preliminary Response |
| 1017 | U.S. Pat. No. 11,121,222 (the "'222 Patent") |
| 1018 | U.S. Pat. No. 11,316,014 (the "'014 Patent") |
| 1019 | Civil Action No. 2:19-cv-00147-JRG, Dkt. 67 (E.D. Tex. Apr. 20, 2019) |
| 1020 | Prosecution History of U.S. Pat. No. 11,121,222 |
| 1021 | Prosecution History of U.S. Pat. No. 11,316,014 |
| 1022 | U.S. Patent Application Publication No. 2004/0063288 ("Kenney") |

| Exhibit No. | Description |
|---|---|
| 1023 | Jaeger, *Introduction to Microelectronic Fabrication*, Vol. V, Addison-Wesley Modular Series on Solid State Devices (1988) ("Jaeger") |
| 1024 | U.S. District Courts – Case Statistics, obtained at https://www.uscourts.gov/statistics-reports/analysis-reports/federal-court-management-statistics, dated June 30, 2023 |
| 1025 | U.S. Patent No. 4,435,896 ("Parrillo") |
| 1026 | L.C. Parrillo, R.S. Payne et al., *Twin-Tub CMOS - A Technology for VLSI Circuits*, IEEE 1980 ("Parrillo2") |
| 1027 | U.S. Patent Application Publication No. 2007/0045682 to Hong *et al*. ("Hong") |
| 1028 | The Oxford American Dictionary and Language Guide, Oxford University Press (1996) |
| 1029 | Blank |
| 1030 | Patent Owner's Responsive Claim Construction Brief |
| 1031 | Blank |
| 1032 | Patent Owner's Sur-Reply Claim Construction Brief |
| 1033 | Proposed Claim Constructions in the District Court Case |
| 1034 | Redacted District Court Case Transfer Order |
| 1035 | Civil Action No. 2:19-cv-00147-JRG, Dkt. 105 (E.D. Tex. Jul. 9, 2020) |
| 1036 | Publication Declaration of Sylvia Hall-Ellis for Wolf |
| 1037 | Dec. 21, 2022 Preliminary Claim Constructions in 6:22-CV-00105 |
| 1038 | U.S. Patent Application Publication No. 2003/0183856 to Wieczorek ("Wieczorek") |
| 1039 | Parrillo IEEE Citation List |
| 1040 | Dictionary of Scientific and Technical Terms, McGraw Hill (2003) |
| 1041 | Blank |
| 1042 | Certified translation of Japanese Unexamined Patent Application Publication No. H8-279598 ("Onoda") |
| 1043 | Japanese Unexamined Patent Application Publication No. H8-279598, published on October 22, 1996 |
| 1044 | IPR2020-290, Termination Order |
| 1045 | Oct. 31, 2022 Giapis Declaration, 6:22-CV-00105 |
| 1046 | Prosecution History of U.S. Patent No. 8,421,195 |
| 1047 | U.S. Patent No. 6,614,560 to Silverbrook ("Silverbrook") |
| 1048 | U.S. Patent No. 8,421,195 to Rao (the "'195 Patent") |

| Exhibit No. | Description |
|---|---|
| 1049 | U.S. Patent No. 5,986,924 ("Yamada") |
| 1050 | Rabaey *et al.*, *Digital Integrated Circuits, A Design Perspective,* Prentice Hall Electronics and VLSI Series (2003) ("Rabaey") |
| 1051 | Sze, *Semiconductor Devices Physics and Technology*, 2d Ed., John Wiley & Sons (2002) |
| 1052 | Publication Declaration of Sean O'Bryan for Maziasz ("O'Bryan Decl.") |
| 1053 | Publication Declaration of Martin L. Knott for Rabaey ("Knott Decl.") |
| 1054 | Maziasz and Hayes, *Layout Minimization of CMOS Cells*, Kluwer Academic Publishers (1992) ("Maziasz") |
| 1055 | Email dated December 22, 2023 |

Petitioner Cirrus Logic, Inc., OmniVision Technologies, Inc., and ams Sensors USA, Inc. (collectively, "Petitioner") submits this Opposition to Patent Owner Greenthread, LLC's Motion to Seal (Paper 8), filed December 22, 2023.[1] The Motion to Seal requests sealing Patent Owner's Motion for Additional Discovery (Paper 9) and Exhibits 2011, 2016, 2022, 2028, 2032, and 2034 in their entireties. Paper 8 at 2–6. Patent Owner also seeks entry of the Board's Default Protective Order. *Id.*

As Patent Owner admits, Patent Owner filed its Motion to Seal on the Friday before the Christmas holidays without giving Petitioner sufficient time to provide a position regarding the motion. *Id.* at 2; Ex. 1055 at 1. In fact, Patent Owner did not attach any document to be sealed when it emailed Petitioner about its intent to file a motion to seal, nor did Patent Owner identify any previous email correspondence between the parties (Exhibits 2011 and 2016) as something it sought to seal. *See* Ex. 1055 at 1. Now that Petitioner's counsel has been able to review the documents filed under seal, Petitioner opposes Patent Owner's Motion to Seal in part and submits

[1] This opposition is timely filed within one month of service of the Motion to Seal. 37 C.F.R. § 42.25(a)(1).

that the requests to seal the Motion for Additional Discovery and Exhibits 2011, 2016, and 2028 in their entireties should be denied.[2]

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 v. Alcon Research, Ltd.*, IPR2017-01053, Paper 27 at 2, 4 (PTAB Jan. 19, 2018) (Informative); 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.*

[2] Petitioner does not oppose sealing Exhibits 2022, 2032, and 2034 in their entireties. Petitioner also does not oppose entry of the Board's Default Protective Order.

*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 broad and generic contentions of confidentiality are all Patent Owner's Motion to Seal provides; Patent Owner 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. Because Patent Owner has not carried its burden, Petitioner respectfully requests that Patent Owner's motion to seal be denied in part. In the alternative, Petitioner requests that the Board order that Patent Owner submit redacted versions of all previous sealed materials (except for Exhibits 2022, 2032, and 2034).

Dated: January 5, 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 January 5, 2024, a complete and entire copy of this PETITIONER'S OPPOSITION TO PATENT OWNER'S MOTION TO SEAL FILED DECEMBER 22, 2023 was served on Patent Owner electronically via email to counsel for the Patent Owner:

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