

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.

IPR2024-00019¹
Patent 11,316,014 B2

Before KRISTEN L. DROESCH, MONICA S. ULLAGADDI, and
JULIA HEANEY, *Administrative Patent Judges*.

DROESCH, *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 IPR2024-00774, 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 49, 59, 65. 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 80, 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 49. 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 80), 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 81, 2.

Undecided Motion to Seal	Document(s) Sought to be Sealed	Redacted Version / Status	Information Sought to be Sealed
Paper 49 ²	Paper 9 (PO Motion for Additional Discovery)	Paper 39	Names of parties potentially in privity with Petitioners and associated products
	Paper 11 (Petitioner's Response to PO's Discovery Motion)	Paper 37	Names of parties potentially in privity with Petitioners and other licensing information
	Paper 13 (PO Reply in Support of Discovery Motion)	Paper 40	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 19 ³ (Petitioner's Preliminary Reply)	Paper 38	Names of parties potentially in privity with Petitioners and other licensing information

² The parties' joint chart cites "Paper 50" as one of the undecided motions to seal the documents identified in the joint chart. Paper 81, 2–5. We believe the parties intended to refer to Paper 49, instead of Paper 50, which is Petitioner's Notice of Deposition, not a motion to seal.

³ The parties' joint chart cites "Paper 20" as "Petitioner's Preliminary Reply," which is one of the documents sought to be sealed. Paper 81, 3. We believe the parties intended to identify Paper 19, instead of Paper 20, which is Petitioner's Updated Mandatory Notice, not Petitioner's Preliminary Reply.

Undecided Motion to Seal	Document(s) Sought to be Sealed	Redacted Version / Status	Information Sought to be Sealed
	Paper 32 (Director Review Request of Institution Decision)	Paper 41	N/A
	Paper 44 (PO Response)	Paper 46	Names of parties potentially in privity with Petitioners, associated products, and other previous licensees
	Ex. 2011 (Oct. 2023 email chain between counsel)	[REDACTED] Ex. 2011	Names of parties potentially in privity with 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

Undecided Motion to Seal	Document(s) Sought to be Sealed	Redacted Version / Status	Information Sought to be Sealed
	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
Paper 59	Paper 60 (PO Sur-Reply)	Paper 62	Names of PO's prior licensees
Paper 65	Paper 66 (PO Opposition to Petitioner's Motion to Exclude)	x	Names of PO's prior licensees

Paper 81, 2–5. Patent Owner concurrently filed the redacted document highlighted in the chart and denoted with an “x”. *See id.* at 2; Paper 82.

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 49, 59, 65. 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 37–42, 46, 62, 82; 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”).⁴ 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 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 49, 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 49, 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 49, App. B. After reviewing the proposed

⁴ Available at <http://www.uspto.gov/TrialPracticeGuideConsolidated>.

IPR2024-00019
Patent 11,316,014 B2

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

ORDERED that Patent Owner's Motions to Seal (Papers 49, 59, 65) are *granted* with respect to Papers 9, 11, 13, 16, 19, 32, 44, 60, and 66 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 49) is entered in the above-captioned proceeding.

FOR PETITIONER:

Scott Weidenfeller
Anupam Sharma
Han Park
COVINGTON & BURLING LLP
sweidenfeller@cov.com
asharma@cov.com
hpark@cov.com

Gilbert Greene
William Liddell
DUANE MORRIS LLP
bgreene@duanemorris.com
waliddell@duanemorris.com

Daniel Nguyen
Emma Bennett
TROUTMAN PEPPER LOCKE

IPR2024-00019
Patent 11,316,014 B2

daniel.nguyen@troutman.com
emma.bennett@lockelord.com

David Bluestone
BENESCH FRIEDLANDER COPLAN & ARONOFF LLP
dbluestone@beneschlaw.com

Joshua Griswold
Patrick Bisenius
FISH & RICHARDSON P.C.
griswold@fr.com
bisenius@fr.com

FOR PATENT OWNER:

Alan Whitehurst
Nicholas Matich
Arvind Jairam
Stuart McCommas
Archis Ozarkar
MCKOOL SMITH, P.C.
awhitehurst@mckoolsmith.com
nmatich@mckoolsmith.com
ajairam@mckoolsmith.com
smccommas@mckoolsmith.com
nozarkar@mckoolsmith.com