UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

GREENTHREAD, LLC,
Patent Owner

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Case: IPR2024-00020
U.S. Patent No. 11,121,222

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PATENT OWNER'S MOTION TO SEAL
PATENT OWNER'S MOTION FOR ADDITIONAL DISCOVERY PURSUANT TO 37 C.F.R. §§ 42.14 & 42.54

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Patent Owner, Greenthread, LLC ("Patent Owner") respectfully submits this Motion to Seal and requests the Board to enter the Default Protective Order found in Appendix B of the Trial Practice Guide. Pursuant to the Default Protective Order, Pursuant to the Default Protective Order, Patent Owner moves to seal Patent Owner's Motion for Additional Discovery (filed concurrently with the present Motion) in its entirety, along with Exhibits 2011, 2016, 2022, 2028, 2032, and 2034. Patent Owner sought Petitioners' position regarding this motion, but Petitioners could not provide their position until "Tuesday or Wednesday next week." Because Patent Owner's POPRs are due beginning January 24, 2024, Patent Owner needed to file as expeditiously as possible.

I. GOOD CAUSE EXISTS

The Office Trial Practice Guide (TPG) states that "a document or thing will be made publicly available, unless a party files a motion to seal that is then granted by the Board." Office Trial Practice Guide (Nov. 2019) at 19; *see also* 35 U.S.C. §316(a)(7). "The document or thing will be protected on receipt of the motion and remain so, pending the outcome of the decision on motion." *Id.* The TPG states that "protective orders may be issued for good cause by the Board to protect a party from disclosing confidential information." *Id.* at 20 (citing C.F.R. § 42.54). Here, there is good cause for sealing Patent Owner's Motion for Additional Discovery and

Exhibits 2011, 2016, 2022, 2028, 2032, and 2034 because as explained below, these documents contain sensitive, confidential, and non-public business information, including licensing information regarding the identities of parties in license agreements and the terms of such license agreements.

A. Exs. 2022 and 2034

As explained in Section II.A of the concurrently-filed Patent Owner's Motion for Additional Discovery, Exhibit 2022 (confidential settlement agreement) in this proceeding was previously filed confidentially (accessible to the Board and parties only) as Exhibit 2001 in the following IPR proceedings, in conjunction with motions to terminate those proceedings: *Intel Corp. v. Greenthread, LLC*, IPR2023-00420, *Intel Corp. v. Greenthread, LLC*, IPR2023-00552; *Dell Techs. v. Greenthread, LLC*, IPR2023-00506; *Dell Techs. v. Greenthread, LLC*, IPR2023-00509; *Sony Group Corp. v. Greenthread, LLC*, IPR2023-00324; *Sony Group Corp. v. Greenthread, LLC*, IPR2023-00376. In those proceedings, the Board found that the settlement agreements (including what is filed here as Exhibits 2022 and 2034) contain confidential business information regarding the terms of settlement. *Intel*, IPR2023-00420, Paper 10 (PTAB May 18, 2023); *Intel*, IPR2023-00552, Paper 10 (PTAB May 18, 2023); *Dell Techs.*, IPR2023-00506, Paper 11 (PTAB May 17, 2023); *Dell*

Techs., IPR2023-00509, Paper 10 (PTAB May 17, 2023); *Sony Group*, IPR2023-00376, Paper 10 (PTAB May 18, 2023).

For the same reasons, the settlement-related business confidential information in Exhibits 2022 (i.e., the same document as Exhibit 2001 in the above-identified terminated proceedings) and 2034 (a separate confidential settlement agreement) should be sealed in their entirety.

B. Exs. 2011 and 2016

Exhibits 2011 and 2016 are email exchanges between counsel for Patent Owner and counsel for Petitioner, and these exhibits contain sensitive, confidential and non-public information regarding whether or not certain third parties are in certain business relationships with Petitioner, including licensing relationships. Therefore, these exhibits should be sealed in their entirety.

C. Ex. 2028

Exhibit 2028 is a declaration regarding Exhibit 2022 that contains sensitive, confidential and non-public information regarding Patent Owner's licenses. Therefore, this exhibit should be sealed in its entirety.

D. Ex. 2032

Exhibit 2032 is a declaration provided by counsel for Petitioner Cirrus Logic to counsel for Patent Owner as "Attorneys' Eyes Only" under the controlling

protective order in the underlying district court litigation *Greenthread, LLC, v. Cirrus Logic, Inc.*, Civil Action No. 1:23-cv-00369 in the Western District of Texas, filed March 31, 2023. This exhibit contains sensitive, confidential and non-public information as deemed by Petitioner Cirrus Logic regarding Petitioner's confidential product development information. Therefore, this exhibit should be sealed in its entirety.

E. Patent Owner's Motion for Additional Discovery

Patent Owner's Motion for Additional Discovery, filed concurrently herewith, discusses the sensitive, confidential, and non-public business information discussed above regarding Exhibits 2011, 2016, 2022, 2028, 2032, and 2034, including whether or not certain third parties are in certain business relationships with any Petitioner, including licensing relationships. Therefore, Patent Owner's Patent Owner's Motion for Additional Discovery should be sealed in its entirety.

II. CERTIFICATION OF NON-PUBLICATION

To the best of Patent Owner's knowledge, the information sought to be sealed by this Motion has not been made publicly available.

III. PROPOSED PROTECTIVE ORDER

Patent Owner requests entry of the Default Protective Order, found in the TPG at Appendix B. Upon entry of the Default Protective Order, Patent Owner designates

Exhibits 2002, 2014, and 2022 and Patent Owner's Motion for Additional Discovery in their entirety as "PROTECTIVE ORDER MATERIAL."

IV. CONCLUSION

For at least the foregoing reasons, Patent Owner requests that the Board seal Patent Owner's Motion for Additional Discovery and Exhibits 2011, 2016, 2022, 2028, 2032, and 2034 in their entirety.

Dated: December 22, 2023

Respectfully submitted,

/Alan L. Whitehurst/

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CERTIFICATION OF SERVICE

The undersigned hereby certifies that a copy of this **PATENT OWNER'S MOTION TO SEAL PURSUANT TO 37 C.F.R. §§ 42.14 & 42.54** has been served on Petitioner via email on the following counsel of record for petitioner:

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