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. IPR2024-00021
Patent No. 11,121,222

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. 11,121,222 to Rao (the "'195 Patent")
1002	Prosecution History of the '222 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	IPR2020-00289, Patent Owner Preliminary Response
1017	U.S. Pat. No. 8,421,195 (the "'195 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. 8,421,195
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	Blank
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	Blank
1026	Blank
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	Blank
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	IPR2020-289, Termination Order
1045	Oct. 31, 2022 Giapis Declaration, 6:22-CV-00105
1046	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. 1046 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. 1046 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,

/*Scott C. Weidenfeller*/

Scott C. Weidenfeller
Registration No.: 54,531
COVINGTON & BURLING LLP
One CityCenter,
850 Tenth Street, NW
Washington, DC 20001-4956
Telephone: (202) 662-5923
Sweidenfeller@cov.com

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:

Alan L. Whitehurst, awhitehurst@mckoolsmith.com
Nicholas T. Matich, nmatich@mckoolsmith.com
Arvind Jairam, ajairam@mckoolsmith.com
Stuart McCommas, smccommas@mckoolsmith.com
Archis "Neil" Ozarkar, nozarkar@mckoolsmith.com
Greenthread-Cirrus-MS@mckoolsmith.com
Greenthread-Omnivision-MS@mckoolsmith.com
Greenthread-ams-OSRAM-MS@mckoolsmith.com

Date: January 5, 2024 /*Scott C. Weidenfeller*/

Scott C. Weidenfeller
Registration No. 54,531