

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DELTA ELECTRONICS, INC.,
Petitioner,

v.

VICOR CORPORATION,
Patent Owner.

IPR2024-00134
Patent 10,199,950 B2

Before GEORGIANNA W. BRADEN, KARA L. SZPONDOWSKI, and
SEAN P. O'HANLON, *Administrative Patent Judges*.

BRADEN, *Administrative Patent Judge*.

ORDER

Granting Patent Owner's Unopposed Motion to Maintain Exhibit 2032
Under Seal

37 C.F.R §§ 42.14 and 42.54

I. INTRODUCTION

Vicor Corporation (“Patent Owner”) filed a Motion to Maintain Exhibit 2032 Under Seal (Paper 10, “Mot.”) seeking to maintain under seal Exhibit 2032 (claim charts of Patent Owner’s proprietary products and systems) submitted with Patent Owner’s Preliminary Response (Paper 6).¹ Petitioner does not oppose Patent Owner’s Motion. Mot. 2. Patent Owner requests that (1) Exhibit 2032 be maintained under seal and (2) the deadline to file a motion to expunge be extended until 45 days after the termination of proceedings before the Board because Petitioner has filed a request for Director Review. *Id.* For reasons discussed below, Patent Owner’s Unopposed Motion to Seal is *granted* as is its request to extend the deadline to file a motion to expunge.

DISCUSSION

There is a strong public policy in favor of making information filed in an *inter partes* review open to the public, especially because the proceeding determines the patentability of claims in an issued patent and, therefore, affects the rights of the public. Under 35 U.S.C. § 316(a)(1) and 37 C.F.R. § 42.14, the default rule is that all papers filed in an *inter partes* review are open and available for access by the public; a party, however, may file a concurrent motion to seal and the information at issue is sealed pending the outcome of the motion. It is, however, only “confidential information” that is protected from disclosure. 35 U.S.C. § 316(a)(7). In that regard, the

¹ We previously granted Patent Owner’s Unopposed Motion to Seal Exhibit 2032 (Paper 7) and entered the parties’ Stipulated Protective Order. *See* Paper 8, 48–50.

Consolidated Office Patent Trial Practice Guide, 84 FR 64280, 19
(Nov. 21, 2019) provides:

The rules aim to strike a balance between the public's interest in maintaining a complete and understandable file history and the parties' interest in protecting truly sensitive information.

...

Confidential Information: The rules identify confidential information in a manner consistent with Federal Rule of Civil Procedure 26(c)(1)(G), which provides for protective orders for trade secret or other confidential research, development, or commercial information. § 42.54.

The standard for granting a motion to seal is “for good cause.” 37 C.F.R. § 42.54(a). In its Motion (Paper 10), Patent Owner bears the burden of proof in showing entitlement to the requested relief. 37 C.F.R. § 42.20(c). The Board needs to know why the information sought to be sealed constitutes confidential information.

In its Motion, Patent Owner moves to maintain Exhibit 2032 under seal, because “Exhibit 2032 includes confidential and highly sensitive information regarding the structure and operation of Vicor’s NBM2317 products, including circuit diagrams. The information in Exhibit 2032 is not publicly available and continues to be confidential.” Mot. 4. The Motion further indicates that “[i]n its Institution Decision, the Board did not rely on or disclose the information contained in Exhibit 2032. *See* Paper 8 at 50. Exhibit 2032 also does not appear to be implicated in the Petitioner’s pending request for Director Review.” *Id.* at 5.

We have reviewed Ex. 2032 and it contains specific implementation details of Vicor’s products, most of which appear to be non-public. Therefore, we find that any public interest in having access to Exhibit 2032

does not outweigh the harm faced by Vicor. *See* Mot. 5–6. Accordingly, although there is a strong public policy for making all information filed in an *inter partes* review open to the public, Patent Owner has demonstrated sufficiently why the information constitutes confidential information, and should be maintained under seal. Thus, Patent Owner has carried its burden to demonstrate “good cause” for maintaining the document under seal.

CONCLUSION

For the foregoing reasons, Patent Owner’s Unopposed Motion to Maintain Exhibit 2032 Under Seal (Paper 10) is *granted*. It is

ORDERED that Ex. 2032 will remain under seal; and

FURTHER ORDERED that the deadline to file a motion to expunge be extended until 45 days after the termination of proceedings before the Board.

PETITIONER:

Russell Levine
Jiaxiao Zhang
rlevine@kirkland.com
jiaxiao.zhang@kirkland.com

PATENT OWNER:

Matthew Smith
Andrew Baluch
Amy Greywitt
Elizabeth Laughton
smith@smithbaluch.com
baluch@smithbaluch.com
greywitt@smithbaluch.com
laughton@smithbaluch.com