

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DELTA ELECTRONICS, INC.,
Petitioner,

v.

VICOR CORPORATION,
Patent Owner.

Case No. IPR2024-00227

U.S. PATENT NO. 9,516,761

**PETITIONER'S MOTION FOR ENTRY OF THE
DEFAULT PROTECTIVE ORDER**

LIST OF EXHIBITS

Exhibit No.	Description
1001	United States Patent No. 9,516,761 (“761 Patent”)
1002	Declaration of Dr. Steven B. Leeb
1003	<i>Curriculum Vitae</i> of Dr. Steven B. Leeb
1004	File History of U.S. Patent No. 9,516,761
1005	U.S. No. 8,966,747
1006	Declaration of Dr. Sylvia Hall-Ellis
1007	Ericsson BMR 453 series DC/DC converters Technical Specification (July 2010), <i>available at</i> https://web.archive.org/web/20101108165728/http://archive.ericsson.net/service/internet/picov/get?DocNo=28701-EN/LZT146395&Lang=EN&HighestFree=Y . (“Ericsson-BMR”)
1008	Robert W. Erickson and Dragan Maksimovic, <i>Fundamentals of Power Electronics</i> (2d ed. 2001). (“ <i>Fundamentals</i> ”)
1009	U.S. Patent 6,965,517 (“Wanes”)
1010	U.S. Patent 6,970,367 (“Takeshima”)
1011	G. Spiazzi, L. Rossetto, P. Mattavelli, P. Cova, and N. Delmonte, <i>Layout Considerations and Thermal Analysis of a 1.8 MHz Resonant VRM</i> , 2007 IEEE Industry Applications Annual Meeting, 1993 (2007). (“Spiazzi”)
1012	Laszlo Huber, Kevin Hsu, Milan M. Jovanovi, Dennis Solley, Gennady Gurov and Robert J. Porter, <i>1.8-MHz, 48-V Resonant VRM: Analysis, Design, and Performance Evaluation</i> , 21 IEEE Transactions on Power Electronics 79 (2006)

1013	Excerpts of Complainant Vicor Corporation's Second Supplemental Objections And Responses To Respondents' First Set Of Joint Interrogatories (Nos. 1-20)
1014	Picture of Ericsson BMR 453 series DC/DC converter, https://web.archive.org/web/20120131104718/http://www.ericsson.com/solutions/news/powermodules/2009/hires_BMR453_jan09.jpg .
1015	U.S. Patent No. 7,403,397
1016	Laszlo Balogh, Design Review: 140W, Multiple Output High Density DC/DC Converter, (1997), <i>available at</i> https://web.archive.org/web/20050129014555/http://focus.ti.com:80/lit/ml/slup117/slup117.pdf .
1017	J. G. Kassakian, M. F. Schlecht, and G. C. Verghese, <i>Principles of Power Electronics</i> (1st ed. 1991) (<i>physical copy available upon request, select excerpts filed electronically</i>)
1018	<u>Power Modules: Digital DC/DC converter family integrates PMBus connectivity</u> (2009), <i>available at</i> https://web.archive.org/web/20090902060840/http://www.ericsson.com:80/technology/docs/article_PowerModules_digital_dc-dc.pdf
1019	U.S. Patent 6,466,454
1020	U.S. Patent 8,749,990
1021	Declaration of Nathaniel E. Frank-White authenticating Exhibits 1007, 1014, and 1018
1022	Declaration of Nathaniel E. Frank-White authenticating Exhibit 1016
1023	U.S. Patent Application No. 2011/0057713
1024	U.S. Patent 6,724,631
1025	Claim Chart for the Infringement of Independent Claim 1 and Dependent Claims 2, 3, 4, 5, 6, 7 of Complainant Vicor Corporation's United States Patent 9,516,761 by Delta U50SU4P162 High Power Density 48V / 12V

	Bi-Directional DC-DC Converter Power Module and Computing Systems Containing the Same (<i>filed under seal</i>)
1026	Ericsson BMR 453 series DC/DC converters Technical Specification (September 2008) (“BMR-2008”)
1027	Vishay Siliconix N-Channel 75 V (D-S) MOSFET SiE818DF Technical Specification (July 13, 2009), <i>available at</i> https://www.digikey.com/en/products/detail/vishay-siliconix/SIE818DF-T1-E3/1656715
1028	March 25, 2014 Claim Amendment in prosecution of U.S. Patent No. 8,966,747 (divisional of ’761 patent)
1029	TDK Data Sheet: FReta iQD Series – Single Output Quarter Brick Bus Converter, <i>available at</i> https://www.datasheetarchive.com/datasheet?id=0c23ebb9024bd4c7b5c5d7b96a5c82316b8b34&type=M&term=iqd48025a120v007
1030	Vishay Siliconix N-Channel 40-V (D-S) MOSFET Si7884DP (Sept. 8, 2008), <i>available at</i> https://www.vishay.com/docs/68395/si7884bd.pdf .
1031	Declaration of Henrik Borgengren

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.54, Petitioner hereby moves for entry of the Default Protective Order in this proceeding.

II. CERTIFICATION OF CONFERENCE PURSUANT TO 37 C.F.R. § 42.54 AND ACCEPTANCE OF THE TERMS OF THE DEFAULT PROTECTIVE ORDER

Petitioner does not know who will be representing Patent Owner and is serving a copy of the Petition, Motion, and accompanying documents to Patent Owner's prosecution counsel of record as reflected in USPTO records for the '761 Patent. Petitioner's counsel is available to meet and confer with Patent Owner's IPR counsel to discuss the appropriate scope of a protective order in this proceeding, including the potential inclusion of a "Outside Counsel's Eyes Only" designation.

III. GOOD CAUSE EXISTS FOR ENTRY OF THE PROTECTIVE ORDER

A party seeking to protect confidential information may seek entry of a protective order in a proceeding before the Board. *See, e.g., Garmin Int'l, Inc. v. Cuozzo Speed Techs. LLC*, IPR2012-00001, Paper 34 (PTAB Mar. 14, 2013). Under 37 C.F.R. § 42.54, the Board may enter a protective order upon a showing of good cause. Petitioner hereby submits that good cause exists to enter the Default Protective Order.

Here, the document (Exhibit 1025) as to which sealing is sought is a copy of infringement contentions served on Petitioner under a protective order in an ongoing ITC proceeding between the Petitioner and Patent Owner. The contentions include confidential proprietary and Confidential Business Information (CBI) of Petitioner.

IV. OTHER MOTIONS

Petitioner is contemporaneously filing a Motion to Seal the above-referenced Exhibit 1025.

V. CONCLUSION

Petitioner respectfully requests that the Board grant Petitioner's motion for entry of the Default Protective Order.

Date: November 22, 2023

Respectfully submitted,

/Russell E. Levine/

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IPR2024-00227

U.S. Patent No. 9,516,761

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e)(4)(i) *et seq.* and 42.105(b), the undersigned certifies that a copy of the foregoing document was caused to be served by First Class Mail, costs prepaid, to Patent Owner at the following address of record:

26214 – Fish & Richardson P.C. (VLT, INC)
P.O. Box 1022
Minneapolis, MN 55440-1022
United States

/Russell E. Levine/

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Counsel for Petitioner

**PROPOSED
PROTECTIVE
ORDER**

UNITED STATES PATENT AND TRADEMARK OFFICE

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PROTECTIVE ORDER

PROTECTIVE ORDER

This protective order governs the treatment and filing of confidential information, including documents and testimony.

1. Confidential information shall be clearly marked “PROTECTIVE ORDER MATERIAL.”
2. Access to confidential information is limited to the following individuals who have executed the acknowledgment appended to this order:
 - (A) Parties. Persons who are owners of a patent involved in the proceeding and other persons who are named parties to the proceeding.
 - (B) Party Representatives. Representatives of record for a party in the proceeding.
 - (C) Experts. Retained experts of a party in the proceeding who further certify in the Acknowledgement that they are not a competitor to any party, or a consultant for, or employed by, such a competitor with respect to the subject matter of the proceeding.
 - (D) In-house counsel. In-house counsel of a party.
 - (E) Support Personnel. Administrative assistants, clerical staff, court reporters and other support personnel of the foregoing persons who are reasonably necessary to assist those persons in the proceeding

shall not be required to sign an Acknowledgement, but shall be informed of the terms and requirements of the Protective Order by the person they are supporting who receives confidential information.

- (F) The Office. Employees and representatives of the United States Patent and Trademark Office who have a need for access to the confidential information shall have such access without the requirement to sign an Acknowledgement. Such employees and representatives shall include the Director, members of the Board and their clerical staff, other support personnel, court reporters, and other persons acting on behalf of the Office.

3. Employees (e.g., corporate officers), consultants, or other persons performing work for a party, other than those persons identified above in (d)(2)(A)–(E), shall be extended access to confidential information only upon agreement of the parties or by order of the Board upon a motion brought by the party seeking to disclose confidential information to that person and after signing the Acknowledgment. The party opposing disclosure to that person shall have the burden of proving that such person should be restricted from access to confidential information.

4. Persons receiving confidential information shall use reasonable efforts to maintain the confidentiality of the information, including:
 - (A) Maintaining such information in a secure location to which persons not authorized to receive the information shall not have access;
 - (B) Otherwise using reasonable efforts to maintain the confidentiality of the information, which efforts shall be no less rigorous than those the recipient uses to maintain the confidentiality of information not received from the disclosing party;
 - (C) Ensuring that support personnel of the recipient who have access to the confidential information understand and abide by the obligation to maintain the confidentiality of information received that is designated as confidential; and
 - (D) Limiting the copying of confidential information to a reasonable number of copies needed for conduct of the proceeding and maintaining a record of the locations of such copies.

5. Persons receiving confidential information shall use the following procedures to maintain the confidentiality of the information:
 - (A) Documents and Information Filed With the Board.

- (i) A party may file documents or information with the Board along with a Motion to Seal. The Motion to Seal should provide a non-confidential description of the nature of the confidential information that is under seal, and set forth the reasons why the information is confidential and should not be made available to the public. A party may challenge the confidentiality of the information by opposing the Motion to Seal. The documents or information shall remain under seal unless the Board determines that some or all of it does not qualify for confidential treatment.
- (ii) Where confidentiality is alleged as to some but not all of the information submitted to the Board, the submitting party shall file confidential and non-confidential versions of its submission, together with a Motion to Seal the confidential version setting forth the reasons why the information redacted from the non-confidential version is confidential and should not be made available to the public. A party may challenge the confidentiality of the information by opposing the Motion to Seal. The non-confidential version of the submission shall clearly indicate the locations of information that has been

redacted. The confidential version of the submission shall be filed under seal. The redacted information shall remain under seal unless the Board determines that some or all of the redacted information does not qualify for confidential treatment.

(B) Documents and Information Exchanged Among the Parties.

Documents (including deposition transcripts) and other information designated as confidential that are disclosed to another party during discovery or other proceedings before the Board shall be clearly marked as “PROTECTIVE ORDER MATERIAL” and shall be produced in a manner that maintains its confidentiality.

6. Within 60 days after the final disposition of this action, including the exhaustion of all appeals and motions, each party receiving confidential information must return, or certify the destruction of, all copies of the confidential information to the producing party.

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**ACKNOWLEDGEMENT FOR ACCESS TO PROTECTIVE ORDER
MATERIAL**

I _____, affirm that I have read the Protective Order; that I will abide by its terms; that I will use the confidential information only in connection with this proceeding and for no other purpose; that I will only allow access to support staff who are reasonably necessary to assist me in this proceeding; that prior to any disclosure to such support staff I informed or will inform them of the requirements of the Protective Order; that I am personally responsible for the requirements of the terms of the Protective Order and I agree to submit to the jurisdiction of the Office and the United States District Court for the Eastern District of Virginia for purposes of enforcing the terms of the Protective Order and providing remedies for its breach.

Dated: _____

[Signature]