

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SEMICONDUCTOR COMPONENTS INDUSTRIES, LLC,
Petitioner,

v.

GREENTHREAD LLC,
Patent Owner.

IPR2024-00263 (Patent 11,316,014 B2)
IPR2024-00264 (Patent 10,734,481 B2)
IPR2024-00265 (Patent 9,190,502 B2)
IPR2024-00266 (Patent 8,421,195 B2)¹

Before GRACE KARAFFA OBERMANN, JON B. TORNQUIST,
JEFFREY W. ABRAHAM, MONICA S. ULLAGADDI, and
JULIA HEANEY, *Administrative Patent Judges*.²

PER CURIAM.

ORDER

Denying Patent Owner's Motions to Seal Without Prejudice
37 C.F.R. §§ 42.14, 42.54

¹ This Order addresses similar issues in the above-identified proceedings. We issue one Order to be filed in each proceeding. The parties are not authorized to use this caption without express permission of the Board.

² This listing of Administrative Patent Judges does not indicate an expanded panel.

IPR2024-00263 (Patent 11,316,014 B2)
IPR2024-00264 (Patent 10,734,481 B2)
IPR2024-00265 (Patent 9,190,502 B2)
IPR2024-00266 (Patent 8,421,195 B2)

Patent Owner filed Motions to Seal (Papers 6, 12, “Patent Owner’s Motions”)³ in each of the above identified proceedings, in which Patent Owner moves to seal, in their entirety: Patent Owner’s Request to File a Motion for Additional Discovery (Paper 7) and Preliminary Response (Paper 13); and Exhibits 2002, 2014, 2022, 2028, 2029, 2049–2052, 2056, 2063, and 2901–2912. Patent Owner also requests entry of a modified version of the Board’s Default Protective Order.⁴ *See* Paper 6, 4–5, App. A (“Modified Protective Order”), App. B (redline version of Board’s Default Protective Order)); *see also* Paper 12, 2.

On July 10, 2024, the Board requested that the parties “file proposed redacted documents in *each* case, including any proposed protective orders (and how they may deviate from the proposed default protective order).” Ex. 3003. Patent Owner subsequently filed redacted versions of its Request to File a Motion for Additional Discovery (Paper 19) and Preliminary Response (Paper 20); and Exhibits 2002, 2014, 2022, 2028, 2052, 2063, and 2901–2912. Patent Owner, however, did not file redacted versions of Exhibits 2029, 2049–2051, and 2056.

³ For expediency, we cite to Motions in IPR2024-00263. Similar Motions were filed in the other above-identified proceedings.

⁴ Patent Trial and Appeal Board Consolidated Trial Practice Guide, App. B (Nov. 2019) (“Trial Practice Guide”), *available at* <http://www.uspto.gov/TrialPracticeGuideConsolidated>.

IPR2024-00263 (Patent 11,316,014 B2)
IPR2024-00264 (Patent 10,734,481 B2)
IPR2024-00265 (Patent 9,190,502 B2)
IPR2024-00266 (Patent 8,421,195 B2)

Petitioner did not file redacted versions of its Opposition to Patent Owner's Request to file a Motion for Additional Discovery (Paper 8) or its Reply to Patent Owner's Preliminary Response (Paper 15), both of which were filed under seal.

Patent Owner's Motions are deficient, as discussed below.

Patent Owner's Modified Protective Order includes the "PROTECTIVE ORDER MATERIAL" tier of protection for confidential information in the Board's Default Protective Order (*see* Trial Practice Guide 117–122), and adds the "PROTECTIVE ORDER MATERIAL/ATTORNEYS' EYES ONLY" tier of protection, which covers "materials even more sensitive," for example, "licensing materials of a first party, whose disclosure to in-house counsel of an opposing party would create a substantial risk of serious harm to the first party." Paper 6, App. A ¶ 1. The Modified Protective Order includes in the more sensitive tier of protection materials marked "PROTECTIVE ORDER MATERIAL/ATTORNEYS' EYES ONLY," and, specifically, Papers 8, 11, 14, and 18 and Exhibits 2022 and 2028. *Id.* The inclusion of Papers 8, 11, 14, and 18, however, appears to be in error, as the identified papers do not all correspond to papers filed under seal in these proceedings. *See* Paper 6. For example, Paper 14 in this proceeding is Patent Owner's List of Exhibits filed on May 8, 2024.

In addition, as noted above, Patent Owner has not submitted proposed redacted versions for each of the documents sought to be sealed. *See* Paper 6 (seeking to seal Exhibits 2029, 2049–2051, and 2056).

IPR2024-00263 (Patent 11,316,014 B2)
IPR2024-00264 (Patent 10,734,481 B2)
IPR2024-00265 (Patent 9,190,502 B2)
IPR2024-00266 (Patent 8,421,195 B2)

Accordingly, we *deny* Patent Owner's Motions without prejudice, and provide Patent Owner the opportunity to file new motions to seal with a corrected modified protective order in each proceeding, as well as proposed redacted versions for all documents sought to be sealed.

Accordingly, it is

ORDERED that Patent Owner's Motions are *denied* without prejudice; and

FURTHER ORDERED that Patent Owner is authorized to file new motions to seal and a corrected modified protective order in each of the above-identified proceedings, and to file proposed redacted versions for all documents subject to any new motion to seal.

IPR2024-00263 (Patent 11,316,014 B2)
IPR2024-00264 (Patent 10,734,481 B2)
IPR2024-00265 (Patent 9,190,502 B2)
IPR2024-00266 (Patent 8,421,195 B2)

For PETITIONER:

Roger Fulghum
Mark Speegle
Ellyar Y. Barazesh
BAKER BOTTS L.L.P.
roger.fulghum@bakerbotts.com
mark.speegle@bakerbotts.com
ellyar.barazesh@bakerbotts.com

Daniel Anderson
ERNST, BROWN, & DRAPER, PLLC
daniel.anderson@andersonpatents.com

For PATENT OWNER:

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