

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SEMICONDUCTOR COMPONENTS INDUSTRIES, LLC,
Petitioner,

v.

GREENTHREAD, LLC,
Patent Owner.

IPR2024-00264
Patent 10,734,481 B2

Before KRISTEN L. DROESCH, GRACE KARAFFA OBERMANN, and
STEPHEN E. BELISLE, *Administrative Patent Judges*.

BELISLE, *Administrative Patent Judge*.

ORDER

Granting in Part Patent Owner's Motions to Seal
Granting Patent Owner's Motion for Entry of Protective Order
Conduct of the Proceeding
37 C.F.R. §§ 42.5, 42.14, 42.54

I. INTRODUCTION

Patent Owner has filed six motions to seal in this case, namely (1) Paper 6, February 27, 2024; (2) Paper 12, May 8, 2024; (3) Paper 31, November 21, 2024; (4) Paper 41, March 14, 2025; (5) Paper 43, March 21, 2025; and (6) Paper 66, August 12, 2025 (collectively, “Motions to Seal”). Collectively, the Motions to Seal seek to seal unredacted versions of Papers 7, 13, 32, 39, 44, and 67 and Exhibits 2002, 2014, 2022, 2028, 2029, 2049–2052, 2056, 2063, 2078, 2901–2912, and 2915, and although they are unlisted in any of the Motions to Seal, Patent Owner appears to seek to seal unredacted versions of Papers 8 and 15 and Exhibit 2913. Notably, on September 11, 2024, we issued an order *denying without prejudice* Patent Owner’s motions to seal dated February 27, 2024 (Paper 6) and May 8, 2024 (Paper 12), and authorized Patent Owner to file renewed motions to seal and a corrected modified protective order in accordance with the Order. Paper 26. To date, Patent Owner has not renewed those motions to seal, but also has not sought to disturb its filing of both redacted and unredacted documents subject to those original motions.

On July 23, 2025, Patent Owner filed a Motion for Entry of Protective Order (“Protective Order Motion”), which includes Patent Owner’s proposed modified Protective Order as Appendix A (“Protective Order”) and a redline comparison between Patent Owner’s proposed modified Protective Order and the Board’s default protective order as Appendix B. Paper 65. Patent Owner represents that Petitioner does not oppose the Protective Order Motion. *Id.* at 2.

Pursuant to our authority under 37 C.F.R. § 42.5 and to bring order to the record in this case, (1) we *seal* Papers 7, 8, 13, 15, 32, 39, 44, and 67 and Exhibits 2002, 2014, 2022, 2028, 2029, 2050–2052, 2056, 2063, 2078, 2901–2913, and 2915 (collectively, the “Sealed Documents”); (2) we *sua sponte* reconsider Patent Owner’s motions to seal dated February 27, 2024 (Paper 6) and May 8, 2024 (Paper 12) in view of Patent Owner’s subsequent corrective actions concerning the filing of redacted versions of documents to be sealed, and *grant in part* Patent Owner’s Motions to Seal (Papers 6, 12, 31, 41, 43, and 66) as to the Sealed Documents^{1,2,3} and maintain our *denial* of Patent Owner’s Motion to Seal (Paper 6) as to Exhibit 2049⁴; and

¹ Redacted versions of Exhibits 2029, 2050, 2051, and 2056 still do not appear in the record. Patent Owner shall file redacted versions of these exhibits within five (5) business days of this Order.

² None of the many Motions to Seal proffer Papers 8 and 15 and Exhibit 2913 for sealing; however, in the present context we consider this to be harmless error and *sua sponte* consider these documents to be included within the intended scope of the Motions to Seal.

³ Both the “sealed” and “redacted” versions of Exhibit 2913 presently of record are the *same* redacted demonstratives (i.e., no unredacted version was actually filed). Thus, we expunge the “sealed” version of Exhibit 2913, and Patent Owner shall file a corrected “sealed” version of Exhibit 2913 without redactions within five (5) business days of this Order.

⁴ We deny sealing of Exhibit 2049, which has no corresponding redacted version in the record, because there does not appear to be any confidential business information in this document. This is confirmed by Patent Owner’s filing of the same Exhibit 2049 in related IPR2024-00265 with no substantive redactions. We expunge “sealed” Exhibit 2049 and authorize Patent Owner to file an unsealed version of Exhibit 2049 within five (5) business days of this Order.

(3) we *grant* Patent Owner’s Protective Order Motion (Paper 65) and *enter* the Protective Order.

Importantly, we urge Patent Owner and Petitioner to review the entire record to determine whether all papers and exhibits to be sealed are included in this Order and have corresponding redacted versions of such documents in the record. To the extent any additional action is needed in this regard, Patent Owner or Petitioner should inform the Board by email within ten (10) business days of this Order.

II. MOTIONS TO SEAL

The record of an *inter partes* review shall be made available to the public, except as otherwise ordered, and a document filed with a motion to seal shall be treated as sealed until the motion is decided. 35 U.S.C. § 316(a)(1); 37 C.F.R. § 42.14. Only “confidential information” may be protected against public disclosure. 35 U.S.C. § 316(a)(7); 37 C.F.R. § 42.54. The Board observes a strong public policy in favor of making information filed in *inter partes* review proceedings open to the public. *See Argentum Pharms. LLC v. Alcon Research, Ltd.*, IPR2017-01053, Paper 27 at 3–4 (PTAB Jan. 19, 2018) (informative).

The standard for granting a motion to seal is “good cause.” 37 C.F.R. § 42.54(a). The moving party bears the burden of showing that the relief requested should be granted. 37 C.F.R. § 42.20(c). That includes a sufficient showing that

(1) the information sought to be sealed is truly confidential, (2) a concrete harm would result upon public disclosure, (3) there

exists a genuine need to rely in the trial on the specific information sought to be sealed, and (4), on balance, an interest in maintaining confidentiality outweighs the strong public interest in having an open record.

Argentum, Paper 27 at 3–4; *see also Corning Optical Commc’ns RF, LLC v. PPC Broadband, Inc.*, IPR2014-00440, Paper 46 at 2 (PTAB April 6, 2015) (requiring a showing that information has not been “excessively redacted”).

Upon review of Patent Owner’s Motions to Seal and the relevant documents, we are persuaded that good cause exists to seal the Sealed Documents based on the record before us. *See* Papers 6, 12, 31, 41, 43, and 66. We are not persuaded that good cause exists to seal Exhibit 2049 as discussed above (*see supra* 3 n.4; Paper 6; Ex. 2049).

III. MODIFIED PROTECTIVE ORDER

The Board may, for good cause, issue a protective order “to protect a party or person from disclosing confidential information.” 37 C.F.R. § 42.54(a). A protective order is not entered by default but must be proposed by one or more parties and must be approved and entered by the Board. Patent Trial and Appeal Board Consolidated Trial Practice Guide 19–20, 107 (Nov. 2019) (“Trial Practice Guide”).⁵ The Trial Practice Guide sets forth specific guidelines on proposing a protective order and provides a Default Protective Order. *See* Trial Practice Guide 19–20, 107–122. The parties may propose modifications to the Default Protective

⁵ Available at <http://www.uspto.gov/TrialPracticeGuideConsolidated>.

Order and the Board will generally accept such proposed changes if they are consistent with the integrity and efficient administration of the proceedings. *Id.* at 115. For example, the parties may agree to provide additional tiers or categories of confidential information, such as “Attorneys’ Eyes Only,” and the Board will presumptively accept agreed-to changes that provide additional categories of confidentiality as long as they are reasonable and adequately define what types of materials are to be included in the additional categories. *Id.* at 115–116.

Patent Owner seeks to modify the Board’s Default Protective Order to add an additional category of “Attorneys’ Eyes Only” material that is more sensitive than materials in the “Confidential” category and “whose disclosure to in-house counsel of an opposing party would create a substantial risk of serious harm.” Paper 65, App. A at 1. Patent Owner designates, for example, Exhibit 2078 as “PROTECTIVE ORDER MATERIAL/ATTORNEYS’ EYES ONLY” since it “contains highly competitively sensitive information related to licensing, including precise license terms and rates.” Paper 31, 2.

We observe that the modified Protective Order differs from the Default Protective Order in that it provides an additional category of confidential information. Paper 65, App. B. After reviewing the proposed modifications to the Default Protective Order, we determine that the changes are consistent with the integrity and efficient administration of the proceedings. Accordingly, we grant Patent Owner’s unopposed Protective Order Motion (Paper 65), and enter the Protective Order (Paper 65, App. A),

which shall supersede any prior proposed protective orders proffered in Patent Owner's Motions to Seal.

Accordingly, it is

ORDERED that Papers 7, 8, 13, 15, 32, 39, 44, and 67 and Exhibits 2002, 2014, 2022, 2028, 2029, 2050–2052, 2056, 2063, 2078, 2901–2913, and 2915 shall be *sealed*;

FURTHER ORDERED that Patent Owner's Motions to Seal (Papers 6, 12, 31, 41, 43, and 66) are *granted in part* as to the Sealed Documents;⁶

FURTHER ORDERED that Patent Owner's Motion to Seal (Paper 6) remains *denied* as to Exhibit 2049, and the “sealed” version of Exhibit 2049 shall be *expunged*; Patent Owner may file an unsealed version of Exhibit 2049 within five (5) business days of this Order;

FURTHER ORDERED that the “sealed” version of Exhibit 2913 shall be *expunged*; Patent Owner shall file a corrected “sealed” version of Exhibit 2913 without redactions within five (5) business days of this Order;⁷

⁶ We *sua sponte* reconsidered Patent Owner's motions to seal dated February 27, 2024 (Paper 6) and May 8, 2024 (Paper 12), as discussed herein.

⁷ We note for the parties that page 134 of *redacted* Exhibit 2913 (i.e., the public version) includes a screenshot of page 1 of the Declaration of Mohan Rao (Ex. 2078), *without redactions*, while the redacted version of page 1 of that Declaration includes redacted material. We authorize Patent Owner to file a corrected redacted version of Exhibit 2913 to address this issue within five (5) business days of this Order.

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FURTHER ORDERED that Patent Owner shall file *redacted* versions of Exhibits 2029, 2050, 2051, and 2056 within five (5) business days of this Order; and

FURTHER ORDERED that Patent Owner's Protective Order Motion (Paper 65) is *granted* and the Protective Order (Paper 65, App. A) shall be *entered* into the record.

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