

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MIANYANG BOE OPTOELECTRONICS TECHNOLOGY CO., LTD.,
WUHAN CHINA STAR OPTOELECTRONICS SEMICONDUCTOR
DISPLAY TECHNOLOGY CO., LTD.,
TIANMAMICROELECTRONICS CO. LTD.,
and VISIONOX TECHNOLOGY, INC.,
Petitioner,

v.

SAMSUNG DISPLAY COMPANY, LTD.,
Patent Owner.

IPR2024-00620
Patent 9,330,593 B2

Before THOMAS L. GIANNETTI, TERRENCE W. MCMILLIN, and
JOHN A. HUDALLA, *Administrative Patent Judges*.

HUDALLA, *Administrative Patent Judge*.

ORDER
Granting Patent Owner's Motion to Seal
Entry of Protective Order
37 C.F.R. § 42.54

On December 12, 2024, Samsung Display Co., Ltd. ("Patent Owner")
filed a Motion to Seal (Paper 24, "Mot.") in conjunction with the filing of its

Response (*see* Papers 22 (confidential version), 23 (public version)). With the motion, Patent Owner seeks to seal (1) portions of the Response (Paper 23) and Exhibits 2044, 2047, 2057, and 2059; and (2) the entirety of Exhibits 2048 and 2058. Mot. 1, 4 & n.1. Patent Owner has filed proposed redacted versions of the Response and Exhibits 2044, 2047, 2057, and 2059. *Id.* at 4. Patent Owner also seeks entry of the same version of the Protective Order that was entered in IPR2023-00941 (*see* Mot. Apps. A (proposed Protective Order), B (redline comparison to Board Default Protective Order)), which is a different proceeding involving the same parties. Mot. 1; *see also* IPR2023-00941, Paper 54 (protective order), 55 (granting motion to seal and entering protective order). Patent Owner represents that Mianyang BOE Optoelectronics Technology Co., Ltd., Wuhan China Star Optoelectronics Semiconductor Display Technology Co., Ltd., Tianma Microelectronics Co. Ltd., and Visionox Technology, Inc. (collectively, “Petitioner”) does not oppose Patent Owner’s motion. Mot. 1.

The Board may, for good cause, issue an 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), *available at* <http://www.uspto.gov/TrialPracticeGuideConsolidated> (“Trial Practice Guide”). 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, 107–22.

As discussed below, we find that Patent Owner has established good cause to seal certain materials. Thus, for the reasons that follow, we grant Patent Owner's unopposed motion to seal. We also enter Patent Owner's proposed protective order, which is identical to the protective order entered in IPR2023-00941.

Samsung Display Technical Documents (Exs. 2048 and 2058)

Patent Owner contends that “Exhibits 2048 and 2058 are Samsung Display technical documents that contain detailed technical information including structure, components used, dimensions, testing information, and functionality.” Mot. 5. Patent Owner explains that they include “internal corporate confidentiality designations” and that they are subject to South Korea's Act on Prevention of Divulgence and Protection of Industrial Technology (ITA law) as National Core Technology (NCT). Patent Owner's proposed protective order includes provisions for treating this sort of information. *See* Mot. App. A ¶¶ 11–12.

We have reviewed these exhibits and find that they contain confidential technical information. We also find that these exhibits are not amenable to redaction. Thus, we grant Patent Owner's motion to seal as to the entirety of Exhibits 2048 and 2058.

Declarations of Kwangsae Lee (Ex. 2044) and Hwan-Soo Jang (Ex. 2047)

Patent Owner seeks to seal the redacted portions of the Declarations of Kwangsae Lee (Ex. 2044)¹ and Hwan-Soo Jang (Ex. 2047) that refer to the Samsung Display Technical Documents discussed above. Mot. 5. We have reviewed the redacted materials and find them to be tailored to protect only confidential information. Thus, we grant Patent Owner's motion to seal as to the redacted information in Kwangsae Lee's and Hwan-Soo Jang's declarations.

Claim Chart (Ex. 2057)

Patent Owner seeks to seal certain redacted portions of "a claim chart demonstrating how a certain Samsung Display product practices U.S. Patent No. 9,330,593." Mot. 5–6. Patent Owner contends that the redacted portions refer to the Samsung Display Technical Documents discussed above. *Id.* at 6. We have reviewed the redacted materials and find them to be tailored to protect only confidential information. Thus, we grant Patent Owner's motion to seal as to the redacted portions of the claim chart.

Declaration of Dr. Andrew Wolfe (Ex. 2059)

Patent Owner seeks to seal certain redacted portions of the declaration of Dr. Andrew Wolfe, who is "Samsung Display's technical expert." Mot. 6. Patent Owner contends that the redacted portions "reflect Samsung Display's confidential technical information concerning its products,

¹ Kwangsae Lee's declaration appears to mistakenly refer to "Exhibit 2023." Patent Owner is authorized to file an updated version of Kwangsae Lee's declaration with corrected exhibit reference numbers.

including information that is subject to South Korea's ITA law.” *Id.* We have reviewed the redacted materials and find them to be narrowly tailored to protect only confidential information. Thus, we grant Patent Owner's motion to seal as to the redacted portions of Dr. Wolfe's declaration.

Patent Owner's Response (Paper 23)

Patent Owner has redacted portions of its Response that refer to the confidential materials discussed above. We have reviewed the redacted materials and find them to be narrowly tailored to protect only confidential information. Thus, we grant Patent Owner's motion to seal as to the redacted portions of Patent Owner's Response.

Entry of Protective Order

Patent Owner asks us to enter the same version of the Protective Order from IPR2023-00941 (*see* Mot. App. A (proposed Protective Order)) to govern the treatment of confidential information in this proceeding. Mot. 1. Given that we find good cause to seal certain materials, and based on the same reasoning applied in IPR2023-00941 (*see* IPR2023-00941, Paper 55, 7–11), we enter Patent Owner's proposed Protective Order in this proceeding.

ORDER

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's proposed Protective Order (Mot. App. A) is entered and shall govern the treatment and filing of confidential information in this proceeding; and

FURTHER ORDERED that Patent Owner's motion to seal the redacted portions of Patent Owner's Response (Paper 23) and Exhibits 2044, 2047, 2057, and 2059, and the entirety of Exhibits 2048 and 2058, is *granted*.

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