UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TEXAS INSTRUMENTS INCORPORATED,
Petitioner,

v.

GREENTHREAD LLC,
Patent Owner.

Case IPR2024-00674
Patent 11,121,222

PETITIONER'S MOTION TO SEAL

I. Introduction

Pursuant to 37 CFR § 42.54, Petitioner Texas Instruments Incorporated moves to seal its Reply to Patent Owner's Preliminary Response filed July 17, 2024. Patent Owner previously moved for entry of a modified Protective Order found in Appendix A of its Motion for Entry of Modified Protective Order and Motion to Seal. Paper 8. Petitioner did not oppose Patent Owner's motion, and Petitioner continues to take no position about whether the material submitted by Patent Owner warrants sealing and entry of a protective order. Nonetheless, because Petitioner's Reply to Patent Owner's Preliminary Response describe and refer to material that Patent Owner moved to seal, Petitioner respectfully submits this Motion to Seal Petitioner's Reply to Patent Owner's Preliminary Response, which is concurrently filed with this Motion.

II. Applicable Legal Principles for Sealing Confidential Information

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). Upon a showing of good cause, the Board may enter a Protective Order to protect from public disclosure such confidential information as disclosed by a party during the course of a proceeding before the Board. *See* 37 CFR § 42.54. Patent Owner filed a protective order with its motion to seal on June 17, 2024 (Paper 8).

III. Good Cause Exists for Sealing the Petitioner's Reply to Patent Owner's Motion for Additional Discovery

Petitioner's Reply to Patent Owner's Preliminary Response refers to and describes the material that Patent Owner submitted with its prior Motion to Seal. To the extent Patent Owner's arguments in support of its Motion to Seal have merit (i.e., that Patent Owner is under confidentiality obligations to a third party), those arguments would apply similarly to the present Motion.

For these reasons, good cause exists for the Board to seal and protect Petitioner's Reply to Patent Owner's Preliminary Response.

IV. Proposed Protective Order

Patent Owner has requested entry of a modified Protective Order and sought to designate its Patent Owner's Preliminary Response in its entirety as "PROTECTIVE ORDER MATERIAL." To the extent the Board grants Patent Owner's prior Motion to Seal, Petitioner understands that Patent Owner would designate Petitioner's Reply to Patent Owner's Preliminary Response as "PROTECTIVE ORDER MATERIAL."

V. Certification of Non-Publication

Patent Owner failed to certify that the information it sought to seal by its previous Motion had not been made publicly available, and Petitioner has no further knowledge of the information at issue being made publicly available.

VI. Conclusion

For the above reasons, Petitioner respectfully requests that the Petitioner's Reply to Patent Owner's Preliminary Response be treated as confidential information, be placed under seal, and be maintained under the entered Protective Order as "PROTECTIVE ORDER MATERIAL."

Respectfully submitted,

Dated: July 17, 2024

/Joshua A. Griswold/

Joshua A. Griswold, Reg. No. 46,310
Patrick J. Bisenius, Reg. No. 63,893
Fish & Richardson P.C.
60 South Sixth Street, Suite 3200
Minneapolis, MN 55402
T: 214-292-4034
F: 877-769-7945

Attorneys for Petitioner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on July 17, 2024, a complete and entire copy of this Petitioner's Motion to Seal was provided by email, to the Patent Owner, by serving the correspondence addresses of record as follows:

Alan Whitehurst
Nicholas T. Matich
Arvind Jairam
Stuart McCommas
Archis "Neil" Ozarkar
McKool Smith, P.C.
1999 K St. NW, Suite 600
Washington, DC 20006

Email: Greenthread-TI-MS@mckoolsmith.com

/Diana Bradley/

Diana Bradley
Fish & Richardson P.C.
60 South Sixth Street, Suite 3200
Minneapolis, MN 55402
(858) 678-5667