

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ASCEND ELEMENTS, INC.,
Petitioner,

v.

DUESENFELD GMBH,
Patent Owner.

IPR2024-00948
Patent 11,050,097

Before MEREDITH C. PETRAVICK, CHRISTPHER M. KAISER, and KEVIN
W. CHERRY, *Administrative Patent Judges*.

PETITIONER'S UNOPPOSED MOTION TO SEAL

Petitioner Ascend Elements, Inc. (“Ascend” or “Petitioner”), hereby moves to seal its Petitioner's Reply and Exhibits 1025, 1026, 1027, and 1028, which are being filed concurrently with this motion. Pursuant to 37 C.F.R. § 42.54(a), Patent Owner met and conferred with Patent Owner, Duesenfeld GmbH, regarding this motion, and Patent Owner does not oppose Petitioner's request sought in this motion to seal.

A. Grounds for Sealing Petitioner's Reply and Exhibits (*i.e.*, Documents that Incorporate, Explain, or Otherwise Disclose Confidential Information)

Good cause exists to maintain Petitioner's Reply and the Exhibits under seal, as they cite to, contain, or otherwise disclose information that Patent Owner has previously filed under seal in this proceeding, and in the case of EX1026, the related District Court proceeding. EX1025 (the transcript of the April 18, 2025 deposition of Lydia Grote), EX1026 (declaration of Lydia Grote filed under seal in *Duesenfeld GMBH v. Ascend Elements, Inc.*, Civ. A. No. 1:23-cv-01194-JFM, (D. Del.), and EX1027/EX1028 (license agreement and annex between Duesenfeld GmbH and a third party) include Patent Owner's financial, licensing, and strategic information that the Board has permitted Patent Owner to file under seal, or reflects substantially similar information, and that Patent Owner has designated as confidential under the Protective Order in this proceeding.

Petitioner is concurrently filing redacted versions of the Petitioner's Reply, as well as redacted versions of several of the exhibits at issue, such that the public

filings only include redactions of those limited portions that reflect confidential information. Petitioner submits that its underlying arguments and evidence in the Petitioner's Reply remain clearly discernible from the redacted, public versions of the filings. Accordingly, Petitioner submits that there is good cause to seal the Petitioner's Reply and Exhibits.

II. CONCLUSION

For the forgoing reasons, Patent Owner respectfully requests that the Board grant this motion to seal and for entry of a protective order.

Respectfully submitted,

Dated: May 9, 2025

/s/Andrew D. Gish

*Attorney for Petitioner, Ascend
Elements, Inc.*

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing PETITIONER'S UNOPPOSED MOTION TO SEAL was served by filing these documents through the Patent Trial and Appeal Board End to End (PTAB E2E) as well as providing a courtesy copy via e-mail to the following attorneys of record for the Patent Owner listed below:

Steven C. Carlson
ROBBINS KAPLAN LLP
555 Twin Dolphin Drive, Suite 310
Redwood City, CA 94065
(650) 784-4040
SCarlson@RobinsKaplan.com

Samuel J. LaRoque
ROBBINS KAPLAN LLP
800 LaSalle Avenue, Suite 2800
Minneapolis, MN 55402
(612) 349-8500
SLaRoque@RobinsKaplan.com

Matthew A. Smith
Reg. No. 49,003
SMITH BALUCH LLP
700 Pennsylvania Ave. SE, 2nd floor
Washington, DC 20003
(202) 669-6207
smith@smithbaluch.com

Elizabeth Laughton
Reg. No. 70,484
SMITH BALUCH LLP
(703) 585-8839
laughton@smithbaluch.com

Date: May 9, 2025

/s/Andrew D. Gish