

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BOE TECHNOLOGY GROUP CO., LTD.,
Petitioner,

v.

OPTRONIC SCIENCES LLC,
Patent Owner.

IPR2024-01132
Patent 7,586,121 B2

Before THU A. DANG, BENJAMIN D. M. WOOD, and
KEVIN W. CHERRY, *Administrative Patent Judges*.

CHERRY, *Administrative Patent Judge*.

ORDER
Granting the Parties' Motions to Seal and
Joint Motion to Seal and for Entry of the Default Protective Order
37 C.F.R. §§ 42.14, 42.54

Pending before us are a number of motions to seal various exhibits and papers filed in this proceeding. The parties have also filed a “Joint Motion for Entry of Default Protective Order and to Seal Pursuant to 37 C.F.R. § 42.54.” Paper 37 (“Joint Motion”); Ex. 1021 (Default Protective Order). The Joint Motion seeks entry of the Board’s Default Protective Order. The other pending motions to seal are summarized in the table below.

Motion Paper Number	Requestor	Exhibits/Papers to be Sealed
39	Patent Owner	Ex. 2014 (Excerpt from BOE Technology Group Co., Ltd.’s Fourth Supplemental Responses To Plaintiff’s First Set Of Interrogatories (Nos. 1-13) from <i>Optronic Sciences LLC v. BOE Tech. Group Co. Ltd.</i> , No. 2:23-cv-00549-JRG (E.D. Tex.); Paper 40 (Patent Owner’s Supplemental Briefing Regarding BOE’s Inconsistent Statements)
42	Petitioner	Exs. 1023 (Expert Report of Adam Fontecchio, Ph.D. Regarding Infringement), 1025 (Deposition Transcript, Dr. Adam Fontecchio, Sept. 30, 2025); Paper 40 (Petitioner’s Submission of Supplemental Information)
44	Petitioner	Paper 43 (Petitioner’s Response to Patent Owner’s Supplemental Briefing)
47	Patent Owner	Exs. 2016 (Response to BOE’s Motion for Summary Judgment), 2018 (Deposition Transcript of Dr. Adam Fontecchio, Sept. 30, 2025), 2019 (BOE_549_00015426), 2021 (BOE_549_00017305), 2022 (BOE_549_00006466), 2023 (Excerpts from the Rebuttal Report of Dr. Dean Neikirk), 2024 (Excerpts from the Opening Report of Dr. Dean Neikirk), and 2025 (Excerpts from Dr. Dean Neikirk’s Deposition, Sept. 26, 2025);

Motion Paper Number	Requestor	Exhibits/Papers to be Sealed
		Paper 46 (Patent Owner's Response to Petitioner's Submission of Supplemental Briefing)
50	Petitioner	Paper 49 (Petitioner's Reply to Patent Owner's Response to Supplemental Briefing)
51	Petitioner	Ex. 1028 (Petitioner's Demonstrative Slides)
52	Patent Owner	Ex. 2026 (Patent Owner's Demonstrative Slides)
57	Patent Owner	Paper 56 (Patent Owner's Corrected Response to Petitioner's Submission of Supplemental Briefing)

For the reasons discussed below, we grant all these motions and enter the Board's Default Protective Order.

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 Rsch., 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 Apr. 6, 2015) (requiring a showing that information has not been “excessively redacted”).

In the Motions, the parties seek to seal their supplemental briefing and related exhibits that discuss allegedly inconsistent statements by each of the parties in the underlying district court infringement case regarding confidential aspects of Petitioner’s accused products. As the parties explained, this information is “highly sensitive and confidential business information of the parties,” and “[t]his information has been designated ‘Confidential – Attorney’s Eyes Only,’ or ‘Restricted Confidential – Source Code’ under the protective order in *Optronic Sciences LLC v. BOE Technology Group Co., Ltd.*, 2:23-CV-00549-JRG (E.D. Tex.).

Based on our review of the specified papers and exhibits, we are persuaded that good cause exists to seal these papers and exhibits because they contain confidential, potentially sensitive information, because the parties would be harmed by not sealing the information, and because the interest in maintaining the information as confidential outweighs the public interest in having the information unsealed. We also note that the parties have mitigated some of the harm to the public by providing redacted copies

of some of the documents.¹ Accordingly, we conclude that good cause exists to maintain the specified under seal.

We have entered the transcript of the Oral Hearing (Paper 59) and the Final Written Decision (Paper 61) under seal. The parties are directed to review both of those papers and provide redacted versions for our review and entry. Also, it appears that Exhibit 2015 (a scientific journal article from *Progress in Polymer Science*), Exhibit 2017 (an excerpt from Petitioner's public Reply in this proceeding), and Exhibit 2020 (a public webpage) were inadvertently filed under seal. The parties are directed to inform us whether Exhibits 2015, 2017, and 2020 should be maintained under seal.

Accordingly, it is

ORDERED that the Default Protective Order (Ex. 1021) is entered in the above-captioned proceeding;

ORDERED that the parties' motions to seal are *granted*; and

FURTHER ORDERED that the parties are ordered to review Papers 59 (Transcript of Oral Hearing) and 61 (Final Written Decision) and Exhibits 1028 and 2026 and provide proposed redactions; and

FURTHER ORDERED that the parties are directed to inform us whether Exhibits 2015, 2017, and 2020 should be maintained under seal.

¹ The parties are directed to review their demonstrative exhibits for the oral hearing (Exs. 1028 and 2026) and submit redacted copies of those exhibits.

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