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Paper 52
Entered: December 2, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARASHI VISION (U.S.) LLC (D/B/A INSTA360),
Petitioner,

v.

GOPRO, INC.,
Patent Owner.

IPR2024-00984 (Patent 10,015,413 B1)
IPR2024-01052 (Patent 11,336,832 B1)
IPR2024-01164 (Patent 10,958,840 B2)
IPR2024-01165 (Patent 10,958,840 B2)

Before WILLIAM V. SAINDON, NABEEL U. KHAN, and
BRIAN D. RANGE, *Administrative Patent Judges*.

PER CURIAM.

ORDER
Granting Petitioner's and Patent Owner's Motions to Seal
37 C.F.R. §§ 42.14, 42.54

I. INTRODUCTION

Petitioner and Patent Owner filed Motions to Seal in each of the above-identified proceedings. *See* Papers 34, 35, 47, 56 ("Petitioner's Motions") (Paper 35 appears to be a duplicate filing of Paper 34, and we do not further address it here); Papers 26, 52 ("Patent Owner's Motions").[1] In each proceeding, Petitioner moves to seal its Reply (Paper 32), its demonstratives (Paper 48), the Declaration of Dr. Aggelos Katsaggelos (Ex. 1014, "Katsaggelos Reply Declaration"), and certain other exhibits.[2] *See* Papers 34, 47. In addition, in IPR2024-00984 Petitioner moves to seal the Initial Determination from the related ITC litigation (Ex. 1043). *See* Paper 56.

In each proceeding, Patent Owner moves to seal its Response (Paper 25), its demonstratives (Paper 50), the Supplemental Declaration of Hassan Foroosh Ph.D. (Ex. 2027, "Supplemental Foroosh Declaration"), and certain

[1] For expediency, citations are to papers and exhibits filed in IPR2024-00984 unless otherwise noted. Similar papers were filed in the other above-identified proceedings. *See* IPR2024-01052, Papers 24, 33, 46, 48, 50; IPR2024-01164, Papers 20, 30, 35, 43, 46; IPR2024-01165, Papers 20, 30, 35, 43, 46.

[2] Specifically, Petitioner moves to seal the following exhibits: IPR2024-00984, Exhibit 1039; IPR2024-01052, Exhibits 1022–1027; IPR2024-01164, Exhibits 1019, 1020, and 1022; and IPR2024-01165, Exhibits 1019 and 1020.

other exhibits.[3] *See* Paper 26, 52. In addition, in IPR2024-01052, IPR2024-01164, and IPR2024-01165 Patent Owner moves to seal its Sur-Reply. *See* IPR2024-01052, Paper 46; IPR2024-01164, Paper 35; IPR2024-01165, Paper 35. In IPR2024-01164 and IPR2024-01165 Patent Owner moves to seal the Initial Determination from the related ITC litigation. *See* IPR2024-01164, Paper 35; IPR2024-01165, Paper 35.

Petitioner and Patent Owner each request the sealed documents be subject to the Protective Order (Ex. 2051) previously entered (Paper 12) in these proceedings. *See* Papers 26, 34, 47, 52, 56.

II. MOTIONS TO SEAL

The record of an *inter partes* review shall be made available to the public, except as otherwise ordered, and any documents 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 its 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).

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[3] Specifically, Patent Owner moves to seal the following exhibits: IPR2024-00984, Exhibits 2024, 2025, 2030–2035, and 2040; IPR2024-01052, Exhibits 2024, 2025, 2029, and 2032–2040; IPR2024-01164, Exhibits 2024–2029, 2031–2041, and 2043–2047; and IPR2024-01165, Exhibits 2024-2029, 2031–2041, and 2043–2047.

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). For a sufficient showing for a motion to seal, the Board has required 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").

Petitioner explains that the underlying exhibits sought to be protected (*e.g.*, Ex. 1039) contain "highly confidential and non-public information concerning technical, source code, business, financial, and strategy information of Patent Owner." Paper 34, 1. Petitioner also explains that these exhibits were "designated as 'Confidential Business Information Subject to Protective Order' and [are] subject to the applicable Protective Order in the related ITC litigation," and "should be similarly protected here." *Id.* Petitioner states that its Reply (Paper 25) and the Katsaggelos Reply Declaration (Ex. 1014) "cite, describe, and quote" the underlying exhibits sought to be protected. Paper 34, 1. In addition, Petitioner states its demonstratives (Paper 48) and the Initial Determination from the related ITC litigation (Ex. 1043) contain "Petitioner's and Patent Owner's highly

confidential information, the disclosure of which is likely to significantly harm Petitioner's and Patent Owner's competitive position." Paper 47, 1; Paper 56, 1.

Patent Owner has not opposed Petitioner's Motions. *See* Paper 34, 2; Paper 47, 1; Paper 56, 2.

Patent Owner explains that the underlying exhibits sought to be protected (*e.g.*, Exs. 2024, 2025, 2030–2035, 2040) "contain highly confidential and non-public information concerning technical, source code, business, financial, and strategy information of Patent Owner." Paper 26, 2. Patent Owner also explains that these exhibits "were designated in [the related ITC litigation] as 'Confidential Business Information Subject to Protective Order,' are subject to the applicable Protective Order from the parallel litigation, and should be similarly protected here." *Id.* Patent Owner states that its Response (Paper 25) and the Supplemental Foroosh Declaration (Ex. 2027) "cite, describe, and quote" the underlying exhibits sought to be protected. Paper 26, 1. Patent Owner states its demonstratives (Paper 50) "cite and describe" its "confidential information and technical documents" produced in the related ITC litigation. Paper 52, 1. In IPR2024-01052, IPR2024-01164, and IPR2024-01165 Patent Owner states its Sur-Reply also includes information designated as confidential in the related ITC litigation. *See, e.g.*, IPR2024-01052, Paper 46.

Petitioner has not opposed Patent Owner's Motions. *See* Paper 26, 2–3; Paper 52, 2.

Upon review of Petitioner's and Patent Owner's Motions, we are persuaded that good cause exists to seal the papers and exhibits identified in Petitioner's and Patent Owner's Motions. In particular, the underlying exhibits (*e.g.*, Exs. 1039, 2024, 2025, 2030–2035, 2040) appear to contain truly confidential information that Petitioner and Patent Owner certify has not been made public (Paper 26, 2; Paper 34, 2; Paper 47, 1; Paper 52, 2; Paper 56, 1). Moreover, in each proceeding, Petitioner has provided redacted versions of its Reply (33), the Katsaggelos Reply Declaration (Ex. 1014), and its demonstratives (Paper 49), and Patent Owner has provided redacted versions of its Response (Paper 27), the Supplemental Foroosh Declaration (Ex. 2027), and its demonstratives (Paper 51). In IPR2024-01052, IPR2024-01164, and IPR2024-01165 Patent Owner has provided redacted versions of its Sur-Reply. *E.g.*, IPR2024-01052, Paper 39. In IPR2024-00984, IPR2024-01164, and IPR2024-01165 the parties have provided redacted versions of the Initial Determination. *E.g.*, Ex. 1043. The redactions appear narrowly tailored so as to protect confidential information while balancing the public interest in an open record.

III. ORDER

Accordingly, it is

ORDERED that Petitioner's and Patent Owner's Motions to Seal (*see supra* § I) are *granted* in the above-identified proceedings.

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IPR2024-01165 (Patent 10,958,840 B2)

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