

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG DISPLAY CO., LTD.,
Petitioner,

v.

PICTIVA DISPLAYS INTERNATIONAL LTD.,
Patent Owner.

Case No. IPR2024-01223
Patent No. 6,949,389 B2

MOTION TO SEAL PURSUANT TO PROPOSED PROTECTIVE ORDER
PURSUANT TO 37 C.F.R. § 42.54

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Patent Owner requests that the proposed Protective Order in Attachment A, which is modified from the Default Protective Order as shown in the markup attached as Attachment B, be entered and govern disclosure of the information below filed under seal. The changes to the Default Protective Order are to conform certain provisions to the protective order entered in the parallel district court action. Petitioner does not oppose entry of the proposed protective order in this proceeding. Petitioner also does not oppose this motion to seal.

I. DOCUMENTS TO BE SEALED

A. Exhibit 2031

Exhibit 2031 is the deposition transcript of Dr. Homer Antoniadis, a former OSRAM manager in charge of its OLED program between 2000 and 2005 and a witness retained by the Real Parties-in-Interest (“RPIs”) in the district court. In the district court, the RPIs identified him as a person with certain factual knowledge, but also employed him as an expert to summarize some of Petitioner’s manufacturing documents. Because the RPI did not offer a separate deposition for his role as a fact witness, the transcript included discussions of his expert report, which referenced documents that Petitioner identified as confidential under the protective order. Although Picitva does not believe that the portion of the transcripts that it relies on is confidential, other parts of the transcripts do contain information designated as

highly confidential under the district court’s protective order. Hence, Pictiva hereby seeks to file the transcript under seal.

B. Exhibit 2039

Exhibit 2039 is a document produced by third party OSRAM in the parallel district court action in response to RPI’s subpoena. It is a 2-page product brief, designated as “Confidential -- Attorneys Eyes Only.” Pictiva therefore files it under seal.

For the reasons set forth below under Section II, there is good cause to request the sealing of the exhibit pursuant to the attached Proposed Protective Order (Attachment A), which differs from the Default Protective Order only in the manner shown in the attached markup (Attachment B) comparing the Proposed Protective Order to the Default Protective Order.

Patent Owner will confer with Petitioner regarding the scope of redactions to EX2031 and EX2039 necessary to preserve the confidential information, and will file a public, redacted, non-confidential version of EX2031 and EX2039 within five (5) business days. The redactions will be tailored to protect only that the confidential information contained in the exhibits.

II. GOOD CAUSE FOR SEALING THE IDENTIFIED DOCUMENTS

When enacting *inter partes* reviews (“IPRs”), Congress directed the Board to “provid[e] for protective orders governing the exchange and submission of

confidential information.” 35 U.S.C. § 316(a)(7). Thus, “[t]he 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). In *Argentum Pharmaceuticals LLC v. Alcon Research, Ltd.*, IPR2017-01053, Paper 27 (PTAB Jan. 19, 2018), the Board set forth the standard for sealing confidential information:

[A] movant to seal must demonstrate adequately 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.

Id. at 3 (“the Argentum Factors”).

The *Argentum* factors support granting this Motion for the reasons below.

Factor (1): Patent Owner submits that Dr. Antoniadis’s transcript includes discussions on exhibits that Petitioner designated “Confidential – Attorneys’ Eyes Only” in the district court. *See* EX2031, 3:10-17 (Exhibits 3, 4 and 7 are Petitioner’s documents designated as “Confidential – Attorneys’ Eyes Only”). The transcript itself is designated as “Highly Confidential.” EX2031. These exhibits include Petitioner’s manufacturing information. Likewise, EX2039 was produced by third party OSRAM with the designation “Confidential – Attorneys’ Eyes Only.”

Factor (2): Patent Owner submits that it has good cause to seal EX2031 and

EX2039 because it contains information provided to the Patent Owner under the terms of the district court protective order which limits the disclosure of such information.

Factor (3): Patent Owner submits that there is a genuine need to rely on EX2031 for the reasons set forth in the POR. The relied-upon information demonstrates, for example, the inventors' activities in the relevant time period for swear-behind purposes, certain of OSRAM's OLED researches, and Dr. Antoniadis's views on the similarity and dissimilarity of inkjet printing for pixels versus encapsulants, which has bearings on whether Strum is analogous, the motivation to combine and the reasonable expectation of success. EX2039 is cited for the limited purpose of showing the difference between pixel size and the active area of an OLED display to be encapsulated. This is to demonstrate that successful printing of a pixel does not demonstrate the ability to do the same for encapsulant and vice versa; and

Factor (4): Patent Owner's, Petitioner's and third party OSRAM's interest in maintaining confidentiality outweighs the public interest in having an open record. As discussed above, Patent Owner relies in part on Dr. Antoniadis's testimony on facts that are highly relevant to the patentability of the '389 patent. The confidential portion of the transcripts, being related to Petitioner's manufacturing and processing documents, is not expected to have a bearing on this proceeding. Likewise, EX2039

may contain certain information that the OSRAM deems confidential regarding its OLED display product. Furthermore, in the public versions of the EX2031 and EX2039, Patent Owner will propose redactions tailored to remove only the confidential information, aiming to disclose to the public as much as possible. The Board should thus find that the present motion strikes an appropriate balance of the parties' interest in confidentiality and the public's need in the full record.

III. CONCLUSION

Patent Owner respectfully requests that the Board enter the attached protective orders and grant this Motion to Seal.

Dated: June 20, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 C.F.R. § 42.6, that on June 20, 2025, a complete copy of the foregoing document, **MOTION TO SEAL PURSUANT TO PROPOSED PROTECTIVE ORDERS PURSUANT TO 37 C.F.R. § 42.54** and **ATTACHMENT A AND ATTACHMENT B**, was served by ELECTRONIC MAIL, as agreed to by the parties, upon the following:

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