

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ALAMAR BIOSCIENCES, INC.,
Petitioner,

v.

OLINK PROTEOMICS AB,
Patent Owner.

IPR2024-01353
Patent 7,883,848 B2

Before SUSAN L.C. MITCHELL, TAWEN CHANG, and
TIMOTHY G. MAJORS, *Administrative Patent Judges*.

CHANG, *Administrative Patent Judge*.

ORDER

Granting Petitioner's Motion to Seal EX1048 (Paper 25)
37 C.F.R. §§ 42.14, 42.54

I. INTRODUCTION

On September 22, 2025, Petitioner filed a Motion to Seal Exhibit 1048, seeking to seal the document “at Patent Owner’s request and pursuant to the [Proposed] Stipulated Protective Order submitted [therewith],” which Petitioner represents “has not changed from the Default Protective Order shown in the Trial Practice Guide.” Paper 25, 2. Petitioner states it “will rely on Patent Owner’s Response to [the] Motion to provide good cause to seal Exhibit 1048.” *Id.* Petitioner concurrently filed Exhibit 1049, a public version of Exhibit 1048 with the alleged confidential information redacted. *Id.*; Ex. 1049. On October 22, 2025, Patent Owner filed its Response to Petitioner’s motion, arguing that good cause exists for sealing Exhibit 1048. Paper 27, 2–6.

We treat Petitioner’s Motion to Seal as a joint motion and, for the reasons discussed below, grant the motion.

II. LEGAL STANDARDS

The Board recognizes “a strong public policy for making all information filed in a quasi-judicial administrative proceeding open to the public, especially in an inter partes review which determines the patentability of claims in an issued patent and therefore affects the rights of the public.” *Garmin International, Inc. v. Cuozzo Speed Technologies LLC*, IPR2012-00001, Paper 34, 1–2 (PTAB March 14, 2013). Under 35 U.S.C. § 316(a)(1), the default rule is that all papers filed in an inter partes review are open and available for access by the public.

Nevertheless, a party may file a motion to seal truly sensitive

information. See 37 C.F.R. § 42.14; Trial Practice Guide,¹ 19. Under the rules governing this proceeding, confidential information is identified “in a manner consistent with Federal Rules of Civil Procedure 26(c)(1)(G), which provides for protective orders for trade secret or other confidential research, development, or commercial information.” Trial Practice Guide 19 (citing 37 C.F.R. § 42.54).

The standard for granting a motion to seal is “for good cause,” and the moving party has the burden of showing that it is entitled to the requested relief. 37 C.F.R. §§ 42.20(c), 42.54. Under the good cause standard,

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.

Argentum Pharms. LLC v. Alcon Res., Ltd., IPR2017-01053, Paper 27 (PTAB January 19, 2018) (informative), 4.

III. Petitioner’s Motion to Seal (Paper 25)

Exhibit 1048 is the unredacted deposition transcript of Dr. Bradley L. Pentelute, Patent Owner’s expert witness. Ex. 1048; Paper 27, 2. Patent Owner contends that Exhibit 1048 contains confidential business

¹ Patent Trial and Appeal Board Consolidated Trial Practice Guide (Nov. 2019), *available at* <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

information relating to “(i) an employment contract between Dr. Pentelute and the Massachusetts Institute of Technology (“MIT”), a third-party private research university; and (ii) a nondisclosure agreement between Dr. Pentelute’s company, Amide Technologies, a third-party, and Thermo Fisher Scientific Inc. (“Thermo Fisher”), a real-party in interest in the present proceeding.” *Id.*

More particularly, Patent Owner asserts that the redacted portions of the deposition transcript relate to “specific questions regarding [Dr. Pentelute’s] salary at MIT and . . . Amide Technologies’ professional interactions with Thermo Fisher.” Paper 27, 3. Patent Owner represents that Amide Technologies’ professional interactions with Thermo Fisher discussed in the deposition are unrelated to the present proceeding. *Id.* Patent Owner’s counsel further represents that, to the best of their knowledge, “the confidential business information in Exhibit 1048 has not been published or otherwise made public.” *Id.*

We have reviewed the redacted portions of the Pentelute Transcript, which appears to contain information as described by Patent Owner. We do not find, and Petitioner has not argued, that this information is pertinent to the merits of the issues presented in this proceeding. In these circumstances, and having considered the balance between the public’s interest in maintaining a complete and understandable file history and the parties’ interest in protecting truly sensitive information, we conclude that granting the Motion with respect to Exhibit 1048 is appropriate.

IV. Request for Entry of Default Protective Order

“The 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). Having reviewed Petitioner’s Motion to Seal, we find that good cause exists to enter the Default Protective Order provided as Appendix B of Trial Practice Guide. Petitioner’s motion is consequently granted with respect to the entry of the Default Protective Order.

Accordingly, it is hereby:

ORDERED that Petitioner’s Motion to Seal (Paper 25), which we treat as a joint motion by the parties, is granted; and

FURTHER ORDERED that the Default Protective Order provided as Appendix B of the Trial Practice Guide is entered in this *inter partes* review.

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