

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAVANT TECHNOLOGIES LLC d/b/a GE LIGHTING and
LEDVANCE LLC,

Petitioner,

v.

FEIT ELECTRIC COMPANY, INC.,

Patent Owner.

IPR2024-01357 (Patent 8,604,678 B2)

SAVANT TECHNOLOGIES LLC d/b/a GE LIGHTING,
ELONG INTERNATIONAL USA INC., and
XIAMEN LONGSTAR LIGHTING CO. LTD,

Petitioner,

v.

FEIT ELECTRIC COMPANY, INC.,

Patent Owner.

IPR2025-00260 (Patent 8,604,678 B2)

Before KEVIN W. CHERRY, SCOTT B. HOWARD, and
ANDREW L. NALVEN, *Administrative Patent Judges*.

CHERRY, *Administrative Patent Judge*

ORDER

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

Pending before us are Petitioner's Motion for Entry of Stipulated Protective Order and Motion to Seal (Paper 71) and Patent Owner's Motion to Seal (Paper 79). The motions to seal are summarized in the table below.

Motion Paper Number	Requestor	Exhibits/Papers to be Sealed
71	Petitioner	Ex. 1091, LEDVANCE corporate organization chart
79	Patent Owner	Ex. 2116, Transcript of the Deposition of Andrew Martin Paper 78, Patent Owner's Reply in Support of its Motion to Terminate for Failure to Name All Real Parties in Interest

For the reasons discussed below, we grant the motions and enter the parties' Agreed 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”).

The parties have agreed that, in lieu of the Board’s default protective order, to request that we enter the same protective order terms already entered by the U.S. District Court for the Eastern District of Kentucky in *Feit Electric Company, Inc. v. LEDVANCE, LLC*, Case No. 5:24-CV-00031-DCR (E.D. Ky.). Paper 71, 1; *id.* Ex. A (proposed Protective Order); *id.* Ex. B (redline with the Board’s default protective order). In the alternative, Petitioners request entry of the Board’s Default Protective Order.

Paper 71, 1 n.1. Patent Owner submits that good cause exists for entry of these protective order terms for three reasons. *Id.* at 1. First, Patent Owner notes that Petitioner LEDVANCE LLC and Patent Owner have already agreed to the terms of the protective order in the parallel district court litigation, which promotes consistency amongst the two proceedings. *Id.* Second, Patent Owner asserts that the district court’s protective order contains similar protections to the default protective order, so it is consistent with Board practice. *Id.* Third, Patent Owner notes that “the primary

difference between the district court’s protective order and the Board’s default protective order is the addition of a tier for Highly Confidential – Attorney’s Eyes Only information, which is necessary given that the parties are competitors and Patent Owner expects that some of the information to be produced in this proceeding is highly confidential.” *Id.* at 1–2. Patent Owner provides a redline comparison of the proposed protective order terms with Board’s default protective order. *Id.* at 2; *Id.*, Ex. B.

We have reviewed the parties’ proposed Protective Order. We find that good cause does not exist to enter the proposed protective order because the proposed protective order narrows the scope of employees of the United States Patent and Trademark Office who can have access to confidential materials. For example, the proposed protective order would not allow employee’s of the Solicitor’s Office to see the confidential material in the event of an appeal. That is not acceptable. Petitioner requests that, in the alternative, we enter the Board default protective order. Paper 71, 1 n.1. Because the confidential information in question belongs to Petitioner LEDVANCE LLC and the Board’s default protective order is acceptable to Petitioner LEDVANCE LLC, we find that good cause exists to enter the Board’s default protective order.¹

In the motions, the parties seek to seal information related to sensitive details about the corporate structure and operations of petitioner LEDVANCE LLC (Exs. 1091; Ex. 2116). As the parties explained, this information is “maintained in confidence by LEDVANCE in the ordinary

¹ The Board’s Default Protective Order is *available at* <https://www.uspto.gov/patents/ptab/appendix-b-protective-order-guidelines-based-trial-rules> (Appendix B: Protective order guidelines (based on the trial rules) | USPTO).

course of business, is not publicly available, and reflects commercially sensitive information whose disclosure would give competitors, including Patent Owner, insight into LEDVANCE's internal business matters.”

Paper 71, 4; Paper 79, 2. Patent Owner's Reply (Paper 78) contains certain information that was confidential in Exhibit 2116. Paper 79, 2. Patent Owner has provided redacted versions of both Paper 78 and Exhibit 2116. *See id.* at 3; *see* Paper 77 (Patent Owner's Redacted Reply); Ex. 2117 (redacted Martin Deposition).

Based on our review of Paper 78 and Exhibit 1091 and 2116, we are persuaded that good cause exists to seal this paper and these 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. Accordingly, we conclude that good cause exists to maintain the specified under seal.

We have entered the Order Denying Patent Owner's Motion to Terminate for Failure to Name a Real Party In Interest (Paper 85) under seal. The parties are directed to review both of those papers and provide, within 7 days of this order, redacted versions for our review and entry.

We also remind the parties of the public's interest in maintaining a complete and understandable file history, and of the general expectation that information will be made public where the existence of the information is identified in a final written decision following a trial. *See* Patent Trial and

Appeal Board Consolidated Trial Practice Guide (Dec. 2025, web),² I.E.6.

We also note that confidential information subject to a protective order ordinarily becomes public 45 days after denial of an institution decision or entry of a final judgment in a trial. *See id.* After the denial of institution or entry of final judgment, a party may file a motion to expunge confidential information from the record prior to the information becoming public. *See id.*; 37 C.F.R. § 42.56.

Accordingly, it is

ORDERED that the Board's default protective order is entered in the above-captioned proceeding;

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

FURTHER ORDERED that the parties are ordered to review Paper 85 (Order Denying Patent Owner's Motion to Terminate for Failure to Name a Real Party In Interest) and provide, within 7 calendar days of this order, a proposed redacted version for our review.

² Available at <https://www-cms.uspto.gov/patents/ptab/trial-practice-guide#step1>

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