UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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YEALINK (USA) NETWORK TECHNOLOGY CO., LTD., and
YEALINK NETWORK TECHNOLOGY CO., LTD.
Petitioners,

v.

BARCO N.V.
Patent Owner

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U.S. Patent No. 11,403,237
IPR2024-1437

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**PETITIONER'S MOTION TO SEAL**

## I. Introduction

Petitioner requests that the Petitioner Reply and Exhibits 1078 and 1090–1091 be sealed under 37 C.F.R. § 42.54. Good cause to seal the Reply, and Exhibits 1078 and 1090–1091, exists because they contain sensitive, nonpublic business information. Redacted versions of the sealed documents are being filed herewith.

## II. Good Cause

The Board must find "good cause" to seal documents and must "strike balance between the public's interest in maintaining a complete and understandable file history and the parties' interest in protecting truly sensitive information." *Garmin v. Cuozzo*, IPR2012-00001, Paper 36 (PTAB Apr. 5, 2013). Good cause to seal a document is governed by the balance of the following factors: whether (1) the information sought to be sealed is truly confidential, (2) 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) the interest in maintaining the confidentiality outweighs the strong public interest in having an open record. *See Argentum Pharms, LLC v. Alcon Research, Ltd.*, IPR2017-01053, Paper 27 at 4 (PTAB Jan. 19, 2018) (informative); *Corning Optical Communication RF, LLC v. PPC Broadband, Inc.*, IPR2014-00440, Paper 47 at 3 (PTAB Apr. 14, 2015).

## III. There is Good Cause To Seal Petitioner's Reply and Exhibits 1078 and 1090–1091

Petitioner's Reply includes confidential information provided in Exhibits 1078 and 1090–1091. The exhibits are portions of deposition transcript taken of three witnesses in the underlying district court litigation between Patent Owner and Petitioner. Specifically, Exhibit 1078 is a portion of the deposition transcript of Patent Owner's Technology & Innovation Director, Mr. Erwin Six. Mr. Six discusses a patent license agreement between Patent Owner and a third-party and the value of the challenged patent. Exhibit 1090 is a portion of the deposition transcript of Mr. Andrew Ludke, a representative for the third-party which entered into the patent license agreement with Patent Owner for the challenged patent. Mr. Ludke discusses the value of the technology and the challenged patent. Exhibit 1091 is a portion of the deposition transcript of Mr. William Scally, Patent Owner's expert witness regarding damages. Mr. Scally discusses the Patent Owner's finances and the value of the challenged patent.

Exhibits 1078 and 1090–1091 contain information that has been identified by the Patent Owner as confidential business information and which was marked as "Highly Confidential – Attorneys' Eyes Only" or "Restricted – Attorneys' Eyes Only" under the Protective Order filed in this case and as agreed-upon by the parties. In its Reply, Petitioner cites to and quotes from the confidential portions of Exhibits 1078 and 1090–1091. The balance of the *Argentum* factors favor sealing the documents at issue, as discussed below.

*a. The Information is Truly Confidential*

The information Petitioner seeks to seal is truly confidential. The Trial Practice Guide provides that "the rules aim to strike a balance between the public's interest in maintaining a complete and understandable file history and the parties' interest in protecting truly sensitive information." 77 Red. Reg. 48756, 48760 (Aug. 14, 2012). Those rules "identify confidential information in a manner consistent with the Federal Rule of Civil Procedure 26(c)(1)(G), which provides for protective orders for trade secret or other confidential research, development, or commercial information." *Id.* (citing 37 C.F.R. § 42.54).

The information that Petitioner seeks to seal with this Motion relates to Patent Owner's sensitive financial information (*e.g.*, commercial information), such as the alleged values of Patent Owner's patents and patent portfolio, as well as discussion of a patent license agreement between Patent Owner and a third-party, including terms and the reasoning for entering the patent license agreement. Thus, the information relates to Patent Owner's, and the third-party's, trade secrets and highly confidential business practices, including confidential and sensitive information relating to financial information and the contractual and licensing dealings between Patent Owner and third-parties. The information disclosed in Exhibits 1078 and 1090–1091 is also subject to the confidentiality provisions of the patent license agreement itself, as well as treated as confidential by Patent Owner in its regular business operations.

Accordingly, the unredacted versions of Exhibits 1078 and 1090–1091 were marked as "Highly Confidential – Attorneys' Eyes Only" or "Restricted – Attorneys' Eyes Only" in this proceeding pursuant to an agreement between the parties. Petitioner understands that neither Patent Owner, nor the third-party licensee, made or intend to make the information publicly available.

*b. Concrete Harm Would Result if the Information was Publicly Disclosed*

Patent Owner and the third-party would suffer concrete harm from the public disclosure of the confidential information Petitioner seeks to seal. The three witnesses' deposition testimony discloses terms and value of the patent license agreement between Patent Owner and the third-party, the reasons for entering into the patent license agreement, as well as sensitive financial information of Patent Owner's patents and patent portfolio. Public disclosure of this information would give Patent Owner's competitors and would-be rivals unfair competitive advantages, including otherwise unavailable insight into Patent Owner and the third party's licensing terms and conditions, which would place Patent Owner and the third-party at a disadvantage in future negotiations.

*c. The Information is Genuinely Relied on in the Trial*

Petitioner submits that there is a genuine need to rely on the information sought to be sealed. For example, Petitioner relies on the confidential information to rebut Patent Owner's arguments relating to secondary considerations and objective indicia of

nonobviousness, such as the alleged commercial success of the products that allegedly practice the challenged patent. License agreements and financial information, such as that Petitioner discloses herewith, is the type of information for which motions to seal are regularly granted. *See Beckman Coulter, Inc. at Sirigen II Ltd.*, IPR2022-01206, Paper 69 at *72-74 (PTAB Feb. 6 2024) (granting motion to seal "financial or competitive information belonging to a third party" and a "license agreement that contain highly sensitive financial competitive information and that the third party agreed to Patent Owner's use of these documents on the condition they be designed [sic]" under the protective order.).

*d. The Need to Keep the Information Confidential Outweighs the Public Interest of an Open Record*

Balancing the *Argentum* factors, the interest in maintaining the confidentiality of the information Petitioner seeks to seal outweighs the strong public interest in having an open record. Disclosure of the confidential information Petitioner seeks to seal would have a chilling effect on the open exchange of information between parties in business transactions. The public interest is well-served in keeping business information readily available and exchangeable between parties, without the fear of incidental exposure of a parties' confidential business information.

By contract, the public interest in having access to the confidential information Petitioner seeks to seal is minimal. Further, Petitioner seeks to seal the minimal amount

of information necessary to maintain the information's confidentiality and the confidentiality obligations of the underlying patent license agreement.

## IV. Conclusion

For the above reasons, Petitioner respectfully requests that the Board seal and protect patent owner's confidential information contained in the Petitioner's Reply and Exhibits 1078 and 1090–1091.

Date: October 15, 2025

Respectfully submitted,

/Stephen Yang/
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**CERTIFICATE OF SERVICE (37 C.F.R. 42.6(0)**

The undersigned hereby certifies that the foregoing MOTION TO SEAL is being served electronically via e-mail on October 15, 2025 in its entirety on the following counsel of record for Patent Owner:

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Dated: October 15, 2025

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