UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEGRATED DNA TECHNOLOGIES, INC.,
Petitioner,

v.

TECAN GENOMICS, INC.,
Patent Owner.

Case IPR2025-00015

U.S. Patent No. 10,036,012

PETITIONER'S MOTION TO SEAL CONFIDENTIAL INFORMATION SUBMITTED *IN CAMERA* PURSUANT TO THE BOARD'S PRIOR AUTHORIZATION

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, and the Board's order authorizing Petitioner Integrated DNA Technologies, Inc. to file confidential documents *in camera* related to Petitioner's motion to disqualify Dr. Mikhail Matz, Ex. 3003, Petitioner respectfully moves to seal the following exhibits and limit access to the unredacted versions of these documents to the Board and Petitioner only:[1]

Exhibit	Short Description
Ex. 1091	Email thread between Dr. Matz and Petitioner's counsel
Ex. 1093	Petitioner's counsel's notes of videoconference between Dr. Matz and Petitioner's counsel
Ex. 1094	Petitioner's counsel's notes of videoconference between Dr. Matz and Petitioner's counsel
Ex. 1095	Email thread between Dr. Matz and Petitioner's counsel
Ex. 1096	Email from Dr. Matz to Petitioner's counsel
Ex. 1097	Email from Dr. Matz to Petitioner's counsel
Ex. 1098	Email from Dr. Matz to Petitioner's counsel
Ex. 1099	Email thread between Dr. Matz and Petitioner's counsel and Dr. Matz's attached invoice
Ex. 1100	Petitioner's counsel's remittance for Dr. Matz's invoice
Ex. 1101	Email thread between Dr. Matz and Petitioner's counsel
Ex. 1103	Email thread between Dr. Matz and Petitioner's counsel
Ex. 1105	Petitioner's counsel's notes of videoconference between Dr. Matz and Petitioner's counsel

[1] Petitioner will contemporaneously file redacted exhibits on the public docket. For ease of review, in the documents filed *in camera*, Petitioner has highlighted the material that is redacted in the public versions.

BACKGROUND

On July 18, 2025, Patent Owner Tecan Genomics, Inc. submitted a declaration from Dr. Mikhail Matz. Ex. 2039. Before these IPR proceedings, and before Patent Owner engaged Dr. Matz, Ex. 1111, Petitioner entered a consulting agreement with Dr. Matz relating to patent litigation between Petitioner and Patent Owner, i.e., the subject matter of these proceedings, Ex. 1090. The Board has given Petitioner leave to file a motion to disqualify Dr. Matz. Ex. 3003. In support of its disqualification motion, and as authorized by the Board, Ex. 3003, Petitioner is submitting *in camera* several documents containing Petitioner's confidential information reflecting substantive communications between Petitioner and Dr. Matz related to the subject matter in these proceedings. Because Petitioner is submitting certain exhibits *in camera* as previously authorized, it files this Motion to Seal and requests that access to such documents be limited to the Board and Petitioner only.

LEGAL STANDARD AND DISCUSSION

Upon a showing of good cause by the moving party, the Board may seal documents containing confidential information. 37 C.F.R. § 42.54; *see also, e.g.*, *KAYAK Software Corp. v. Int'l Bus. Machs. Corp.*, IPR2016-00608, Paper 69, at 2 (PTAB Aug. 10, 2017); Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,760 (Aug. 14, 2012). The moving party bears the burden of adequately demonstrating 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 Pharmaceuticals LLC v. Alicon Rsch., Ltd., IPR2017-01053, Paper 27, at 4 (PTAB Jan. 19, 2018).

Each of the four *Argentum* factors are met here.

The information is truly confidential. Dr. Matz signed a consulting agreement with Petitioner's counsel, which required Dr. Matz to maintain the confidentiality of all communications, records, information, and analysis related to the subject matter of his engagement—that is, the subject matter at issue in these proceedings. Ex. 1090 ¶¶ 1, 9. The documents submitted *in camera* are confidential communications between Dr. Matz and Petitioner's counsel, including questions posed to Dr. Matz by Petitioner's counsel, along with Dr. Matz's substantive analysis and responses, and counsel's notes reflecting substantive conversations with Dr. Matz. Exs. 1091, 1093–1101, 1103, 1105. These communications were had with Dr. Matz in confidence, and were maintained confidentially by counsel for Petitioner, and they reflect Petitioner's litigation strategy in this matter. Such documents are confidential.

Public disclosure would result in concrete harm to Petitioner. Public disclosure of the confidential information contained in the documents submitted *in camera* would reveal substantive discussions Petitioner's counsel had with Dr. Matz relating to the issues in these proceedings. Revealing such substantive discussions to Patent Owner would unfairly grant a window into Petitioner's litigation strategy in this matter. Moreover, should other disputes arise related to the subject matter of these proceedings, other parties, who may be adverse to Petitioner, would have a similar window into Petitioner's litigation strategy.

Petitioner needs to rely on the confidential information. Patent Owner mounts its defense by relying on Dr. Matz's declaration that Patent Owner submitted. IPR2025-00015, Paper 23; Ex. 2039. To be clear, as explained in Petitioner's motion to disqualify, Paper 26, the existence of Dr. Matz's agreement with Petitioner and the fact that Dr. Matz had confidential communications with Petitioner relating to these proceedings is sufficient to compel Dr. Matz's disqualification. However, Patent Owner contests that Petitioner's communications were confidential, substantive, and related to this matter. To the extent that the Board requires further evidence regarding the scope and nature of Petitioner's communications with Dr. Matz, Petitioner is providing the Board with its full unredacted communications with Dr. Matz. That confidential information is what Petitioner seeks to seal here and provide to the Board only for *in camera* review.

The balance of equities supports sealing. Petitioner engaged Dr. Matz with the expectation that its conversations with him would be confidential. Ex. 1090. Sealing the documents Petitioner submits *in camera* would uphold that expectation of confidentiality. Sealing also would uphold the general, reasonable expectation of all parties, in all proceedings before the Board, that their communications with consultants with which they have confidentiality agreements will, in fact, remain confidential. Furthermore, Petitioner is contemporaneously filing redacted versions of the *in camera* documents on the public docket. This strikes an appropriate balance of the public's qualified interest in having an open record and Petitioner's interest in maintaining the confidentiality of its communications, and related documents, with a consultant Petitioner had engaged—before Patent Owner—to discuss the very subject matter at issue in this proceeding.

CONCLUSION

Petitioner respectfully requests that the Board grant its Motion to Seal and limit access to the documents submitted *in camera* to Petitioner and the Board only. Should the Board deny Petitioner's Motion to Seal in part or in full, Petitioner respectfully requests that the Board provide leave for the Petitioner to file a renewed motion to seal consistent with the Board's order, and if necessary, for leave to submit an appropriate protective order.

Dated: August 6, 2025

Respectfully submitted,

/Thomas S. Fletcher/

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CERTIFICATE OF SERVICE

The undersigned certifies pursuant to 37 C.F.R. § 42.6(e)(1), a copy of the foregoing Petitioner Integrated DNA Technologies, Inc.'s Motion to Seal was served via electronic mail on the following lead and back-up counsel of record for Patent Owner.

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