

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RØDE MICROPHONES, LLC AND
FREEDMAN ELECTRONICS PTY LTD,
Petitioners,

v.

ZAXCOM, INC.,
Patent Owner.

IPR2025-00231

Patent 7,929,902

**PETITIONERS' MOTION TO SEAL
JUNE 2, 2025 PATENT OWNER MOTION TO TERMINATE
IPR2025-00231 UNDER 35 U.S.C. §315(B)**

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.54, 35 U.S.C. § 316(a)(1), the Patent Trial and Appeal Board’s (“PTAB”) Consolidated Trial Practice Guide, Section I.E., and the proposed protective order filed on June 5, 2025 (“Proposed Protective Order”) along with an unopposed Motion for Protective Order (Paper 19), Petitioners move to seal confidential portions of Exhibits 2033, 2034, 2036 and 2037 to Patent Owner’s “Motion to Terminate IPR2024-00231 Under 35 U.S.C. § 315(B)” dated June 2, 2025 (Paper 15) (“Motion”).

II. PENDING UNOPPOSED MOTION FOR PROTECTIVE ORDER

On June 5, 2025, Patent Owner filed an unopposed motion for entry of an attached protective order in this IPR2025-00231 (“Proposed Protective Order”) (Paper 19). The motion remedied deficiencies cited by the Board in denying a first motion for protective order on June 3, 2025 (Paper 18). Counsel for all parties agreed upon the procedures set forth in the new Proposed Protective Order, which awaits Board review. The proposed order at paragraph 5(A)(i) requires a party filing an opposing party’s confidential information with the Board to file it with a motion to seal that “acknowledge[s] that the party whose confidential information is at issue shall have an opportunity to file its own motion to seal” within 15 business days later.

III. GOOD CAUSE EXISTS FOR SEALING CERTAIN CONFIDENTIAL INFORMATION

The Consolidated Trial Practice Guide provides that “[T]he 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.” Consolidated Trial Practice Guide (Nov. 2019) § I(E). The rules also “identify confidential information in a manner consistent with 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.* § I(E)(2) (citing 37 C.F.R. § 42.54).

The standard for granting a motion to seal is “for good cause.” *Eunsung Global Corp. v. HydraFacial LLC*, IPR2024-01491, Paper 17 at 18 (PTAB Apr. 11, 2025) (citing 37 C.F.R. § 42.54(a)). The movant must establish “whether the information at issue is truly confidential, whether harm would result upon public disclosure, and whether the interest in maintaining confidentiality as to the information outweighs the strong public interest in an open record.” *Id.* The fact that the public would be able to discern the relevant information pertaining to a sealed document from the party’s public brief is a factor supporting the sealing of the document’s confidential information. *Id.* at 18-19.

In this case, good cause exists to seal portions of exhibits 2033, 2034, 2036 and 2037 of Patent Owner’s Motion to Terminate IPR2025-00231 Under 35 U.S.C. §315(B).

Exhibit 2033: Exhibit 2033 is a Confidential Information Memorandum dated November 2024 that was provided on a confidential basis from Lectrosonics, Inc. (“Lectrosonics”), to Petitioners as part of their negotiations that led to Petitioner’s acquisition of Lectrosonics in early May 2025. Lectrosonics is a direct competitor to Patent Owner in the field of high-end audio equipment. Petitioners produced the document in redacted form to Patent Owner in this IPR at the highest “HIGHLY CONFIDENTIAL-OUTSIDE COUNSEL’S EYES ONLY” designation pursuant to the agreed Proposed Protective Order (redacting highly confidential sales, financial, and marketing information on pages 6 and 45-51). The version attached to this Motion to Seal at Exhibit 1047 adds redactions on page 24 for highly confidential product pipeline information. Public disclosure of this redacted highly confidential sales, financial, marketing and product information would competitively harm Lectrosonics and Petitioners. Patent Owner cited the document solely for the fact that Lectrosonics provided it to Petitioner Freedman last year. Motion, p. 2 (Paper 15) (“Lectrosonics and Freedman thereafter shared a Confidential Information Memorandum sometime on or before December 9, 2024. See Exs-2032 and 2033.”). Given the limited redactions of highly confidential

information from Exhibit 2033, that the redacted information is not cited or described in or relevant to Patent Owner's motion, and the harm that would occur from public disclosure of the confidential information, there is good cause for sealing of the redacted portion of the exhibit (attached here as Exhibit 1047).

Exhibit 2034: Exhibit 2034 is a January 20, 2025 jointly executed letter of intent by which Lectrosonics and Petitioner Freedman set out the proposed purchase amount and other terms for Freedman's acquisition of Lectrosonics, pending further negotiations. Petitioners produced the letter in redacted form to Patent Owner in this proceeding at the highest "HIGHLY CONFIDENTIAL-OUTSIDE COUNSEL'S EYES ONLY" designation pursuant to the Proposed Protective Order, redacting the proposed acquisition purchase amounts on the second page. The version submitted with this Petitioners' Motion to Seal at Exhibit 1048 adds as redactions the other confidential proposed business terms of the acquisition on pages 2 and 3. All of the foregoing redacted information—the financial and nonfinancial terms under which Petitioners were tentatively willing to undertake a corporate acquisition—would cause serious economic harm to Petitioners were it to become public. For example, it would harm Petitioners negotiating position with other potential acquisition subjects. Patent Owner cited the document solely for the fact that Petitioner Freedman and Lectrosonics executed it, and not for any proposed financial or nonfinancial term of the potential

transaction listed in the document. Motion, p. 2 (Paper 15) (“A Letter of Intent was executed on or about January 21, 2025, for Freedman’s purchase of 100% of the equity of Lectrosonics. *See* Ex-2034.”). Given the limited redactions of highly confidential information from Exhibit 2034, the irrelevance of the redacted information to Patent Owner’s motion, and the harm that would occur from public disclosure of the confidential information, there is good cause for sealing of the redacted portion of the exhibit (attached here as Exhibit 1048).

Exhibit 2036: Exhibit 2036 is a Securities Purchase Agreement dated May 5, 2025, by which Petitioners acquired Lectrosonics. Petitioners produced the agreement in redacted form to Patent Owner in this proceeding at the highest “HIGHLY CONFIDENTIAL-OUTSIDE COUNSEL’S EYES ONLY” designation pursuant to the Proposed Protective Order (redacting the acquisition purchase amount, other financial amounts, and employee and other personal information on pages 6, 14, 19, 20, 31, 33-35, 41, 56-57, 60-61, 74 and 78). The version of the exhibit submitted with this Motion to Seal at Exhibit 1049 adds as redactions the names (and associated financial trusts) and signatures of the individual selling shareholders and signature of Petitioners’ signatory. *See* Exhibit 2036/1049 pages 88-127. Public disclosure of the confidential financial information—relating both to the financial status of the parties and the terms under which they were willing and able to undertake a corporate acquisition—would seriously harm both

Petitioners and Lectrosonics, including by harming their negotiating positions with other potential acquisition targets. Public disclosure, including through the Board's website, of the names, associated trusts and personal signatures of the individual shareholders and signature of Petitioners' signatory could reasonably subject these individuals to fraud and/or harassment. Patent Owner cited the agreement solely for the fact that Petitioner RØDE acquired Lectrosonics, and not for any particular information in the agreement. Motion, p. 3 (Paper 15) ("Finally, on or about May 5, 2024, (the 'Acquisition Date'), RØDE acquired Lectrosonics as a fully owned subsidiary of RØDE. See Exs-2036, 2037, and 2038)."). Given the limited redactions of highly confidential information from Exhibit 2036, the irrelevance of the redacted information to Patent Owner's motion, and the harm that would occur from public disclosure of the confidential financial and personal information, there is good cause for sealing of the redacted portions of the exhibit (attached here as Exhibit 1049).

Exhibit 2037: Exhibit 2037 is an organizational chart of Petitioner Freedman, Freedman's direct and indirect subsidiaries (including Lectrosonics and Petitioner RØDE), and the family trust and associated investment companies of Freedman's founder. Petitioners produced the agreement to Patent Owner in this proceeding at the highest "HIGHLY CONFIDENTIAL-OUTSIDE COUNSEL'S EYES ONLY" designation pursuant to the Proposed Protective Order. The exhibit

submitted with this Motion to Seal at Exhibit 1050 still shows the complete organizational tree of Freedman, and redacts only the confidential information identifying the birthdate of Freedman's founder and identifying the family trust and related investment companies of Freedman's founder. Public disclosure of the redacted confidential information would harm those companies and the founder by divulging personal and familial financial circumstances. As with Exhibit 2036, Patent Owner cited the document solely for the fact that Petitioner RØDE acquired Lectrosonics, and not for any of the redacted information. Motion, p. 3 (Paper 15) ("Finally, on or about May 5, 2024, (the 'Acquisition Date'), RØDE acquired Lectrosonics as a fully owned subsidiary of RØDE. *See* Exs-2036, 2037, and 2038)."). Given the limited redactions of confidential information from Exhibit 2037, the irrelevance of the redacted information to Patent Owner's motion, and the harm that would occur from public disclosure of the confidential information, there is good cause for sealing of the redacted portions of the exhibit (attached here as Exhibit 1050).

Patent Owner's sealed Motion (Paper 15) and Exhibits 2030, 2031, 2032 and 2035: Pursuant to the Proposed Protective Order, Patent Owner filed a public version of its motion redacting the information Petitioners designated as confidential under the Proposed Protective Order, as well as sealing entirely the

confidentially-designated Exhibits 2030, 2031, 2032 and 2035. Petitioners have reviewed those materials and do not seek continued sealing of any portion of them.

IV. CONCLUSION

For the foregoing reasons, Petitioners respectfully request that the Board grant this Motion to Seal the redacted portions of the attached versions of Exhibits 2033, 2034, 2036 and 2037 (attached here as Exhibits 1047-1050) to Patent Owner's Motion to Terminate IPR2025-00231 Under 35 U.S.C. § 315(b).

Dated: June 23, 2025

/ Jeffrey B. Plies /

Jeffrey B. Plies, reg. no. 46,999

Michael A. Fisher, reg. no. 42,536

DECHERT LLP

Counsel for Petitioner

CERTIFICATE OF SERVICE

I certify that today in:

RØDE Microphones, LLC., et al. v, Zaxcom, Inc., IPR2025-00231 (U.S. Patent 10,276,207)

I caused to be served a copy of:

Petitioners' Motion to Seal

upon:

ZAXCOM INC., c/o:

Rita Chipperson - rcc@chippersonlaw.com

Janice Kwon - jk@chippersonlaw.com

Morgan Golightly - mdg@chippersonlaw.com

Gerard O'Rourke - gorourke@okorlaw.com

Sean O'Kelly - sokelly@okorlaw.com

Laura Carrig - lcarrig@okorlaw.com

via:

Electronic Mail

Patent Owner agreed to have the above-listed counsel accept electronic service on November 20, 2024. *See* 37 CFR § 42.105(b) ("Upon agreement of the parties, service may be made electronically....").

Dated: June 23, 2025

By: / Michael A. Fisher /
Michael A. Fisher, Reg. No. 42,536
Dechert LLP
Cira Centre
2929 Arch Street
Philadelphia, PA19104-2808
Tel: 215-994-2079
Fax: 215-655-2279
michael.fisher@dechert.com