UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM, INC.,
AMAZON.COM SERVICES LLC,
AMAZON WEB SERVICES, INC., and
TWITCH INTERACTIVE, INC.
Petitioner

v.

NL GIKEN INC.
Patent Owner

Inter Partes Review No.: IPR2025-000250

PETITIONER'S MOTION TO SEAL AND FOR ENTRY OF DEFAULT PROTECTIVE ORDER

I. INTRODUCTION

Under 37 C.F.R. §§ 42.54-55 and 42.14, Amazon.com Inc., Amazon.com Services LLC, Amazon Web Services, Inc., and Twitch Interactive, Inc. (collectively, "Petitioner"), hereby moves to seal portions of Exhibit 1010 submitted with the Petition for Inter Partes Review on December 17, 2024. Good cause to seal these documents exists because they include highly confidential, competitively sensitive information of Petitioner, which Petitioner designated as "PROTECTIVE ORDER MATERIAL."

II. AUTHORIZATION FOR THIS MOTION

Prior Board authorization is not required for "motions where it is impractical for a party to seek prior Board authorization." Consolidated Trial Practice Guide (Nov. 20, 2019) (the "Consolidated Trial Practice Guide"), p. 37. "Motions where it is not practical to seek prior Board authorization include motions to seal. . . ." *Id.*

III. CERTIFICATE OF CONFERENCE

Under 37 C.F.R. § 42.54, Petitioner, through the undersigned, hereby certifies that it has conferred with Patent Owner through counsel on December 9, 2024 in good faith regarding this motion. Patent Owner does not oppose Petitioner's Motion to Seal and has agreed to entry of the Default Protective Order.

IV. GOOD CAUSE EXISTS FOR SEALING PART OF EXHIBIT 1010

The Board may issue protective orders for good cause to protect a party from disclosing confidential information. Consolidated Trial Practice Guide, pp. 19-20; 37 C.F.R. §§ 42.54-55. In deciding whether to grant a motion to seal, the Board must find "good cause," and must "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." *Garmin International, Inc. et al. v. Cuozzo Speed Technologies LLC*, IPR2012-00001, Paper 36 at 4 (P.T.A.B. April 5, 2013). "Confidential Information" is identified in a manner consistent with Fed. R. Civ. P. 26(c)(1)(G), "which provides for protective orders for trade secret or other confidential research, development, or commercial information." *Id.*

The standard for granting a motion to seal is "for good cause." 37 C.F.R. §§ 42.20(c), 42.54(a). Good cause for sealing material can be established by demonstrating that the balance of the following considerations favors sealing the material: whether (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 Pharm. LLC v. Alcon Rsch., Ltd.*, IPR2017-01053, Paper 27 at 2–3 (PTAB Jan. 19, 2018) (informative); *see also*

Corning Optical Communications RF, LLC, v. PPC Broadband, Inc., IPR2014-00440, Paper 47 at 3 (PTAB Apr. 14, 2015).

Here, Exhibit 1010 contains confidential information. Specifically, Exhibit 1010 is a copy of infringement contentions served on Petitioner under a protective order in an ongoing District Court proceeding between the Petitioner and Patent Owner. *See* Petition §III(E); §IX(B) (citing *NL Giken Inc. v. Amazon.com, Inc.*, No. 1:24-cv-00028, (D. Del.)). The contentions include confidential proprietary and Confidential Business Information (CBI) of Petitioner. Good cause exists because the balance of the *Argentum* factors favors sealing portions of Exhibit 1010. Addressing the Argentum factors in turn:

First, the information Petitioner seeks to seal is truly proprietary and confidential, has only been served between the parties under the District Court protective order, and has not been made publicly available by Petitioner. The 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." PTAB Consolidated Trial Practice Guide at 19 (November 2019). Further, those rules "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.* (citing

37 C.F.R. § 42.54). The information Petitioner seeks to protect has nothing to do with patentability, but rather involves Petitioner's accused product and how Petitioner's accused product allegedly infringes the claims of the '236 Patent. The document at issue includes proprietary and confidential business information relating to technical and other specifications of one of Petitioner's accused products in a parallel District Court proceeding.

Without an assurance that this information will be protected, Petitioner may be adversely affected by public disclosure of their commercial product details to the public and to Petitioner's competitors.

Second, Petitioner would suffer several instances of concrete harm from the public disclosure of the confidential information sought to be sealed. Disclosure of the confidential information would expose Petitioner's confidential information to scrutiny by third parties, and may jeopardize contractual arrangements between Petitioner and its customers. Additionally, the highly competitive nature of the information leads to concerns regarding

Third, the information that is sought to be sealed is entirely unrelated to the substantive patentability of the '236 Patent. Instead, the information that is sought to be sealed is pertinent only to the specific technical details of Petitioner's accused commercial product and alleged infringement of Petitioner's commercial product of the '236 Patent claims.

Fourth, on balance, an interest in maintaining confidentiality outweighs the strong public interest in having an open record. Petitioner respectfully submits that the "strong public interest" in having an open record should not outweigh a party's expectation that confidential information unrelated to patentability should be maintained as confidential. Rather, Petitioner respectfully submits that the "strong public interest" in having an open record has its basis in ensuring that all information related to patentability is available to the public consistent with the public notice function of the patent system, e.g., the reasons for upholding a patent's patentability during a post-grant proceeding should be available to the public. Thus, for example, if confidential information in an IPR related to commercial success of a claimed invention were relied upon to establish patentability of claims, such information should fairly be made available to the public consistent with the public interest, so that the public is aware of the reasons for patentability. But that is not the case here, where the confidential information is not related to the patentability of the '236 Patent, rather as evidence of Petitioner's understanding of Patent Owner's purported claim constructions. The public interest in such a procedural finding does not outweigh or otherwise support public disclosure of Petitioner's confidential information.

Additionally, Petitioner submits a redacted version of the EX1010, attached as Appendix A, in recognition of the fact that much of the information contained in

the infringement contentions is public, and the Board's preference to "redact sensitive information, where possible, rather than seeking to seal entire documents." PTAB Consolidated Trial Practice Guide at 21-22, 91-92, 111, 120 (November 2019). Appendix A redacts only business and technical confidential information relating to technical and other specifications of one of Petitioner's accused products (as described above) and does not redact all publicly available information. Doing so serves the public interest having access to public proceedings and information while balancing the publics minimal interest in having access to the confidential information in the document to be sealed.

V. MOTION FOR ENTRY OF THE DEFAULT PROTETIVE ORDER

Pursuant to 37 C.F.R. § 42.54, Petitioner certifies that it has conferred with Patent Owner through counsel on December 9, 2024, who has agreed to entry of the Default Protective Order. Petitioner respectfully requests entry of the Board's Default Protective Order as set forth in Appendix B (and attached here as Appendix B) of the Consolidated Trial Practice Guide.

VI. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Board grant this Motion to Seal and enter the Default Protective Order.

Dated: December 17, 2024

Respectfully submitted,

/s/ Jennifer Librach Nall

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Attorney for Petitioner, Amazon.com, Inc., Amazon.com Services, Inc., Amazon Web Services, Inc., and Twitch Interactive, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies pursuant to 37 C.F.R. §§42.6(e) and 42.105 that on December 17, 2024, a true and correct copy of the forgoing documents were served by emailing a copy of same emailing a copy of same (by agreement) to the following attorneys for the Patent Owner:

- James Morris (James.Morris@WolfGreenfield.com).
- Hunter Keeton (Hunter.Keeton@WolfGreenfield.com)

A courtesy copy was sent to the Patent Owner's counsel via electronic mail: WGS-NLGikenv.Amazon@WolfGreenfield.com

Date: December 17, 2024

Respectfully submitted,

/s/ Jennifer Librach Nall

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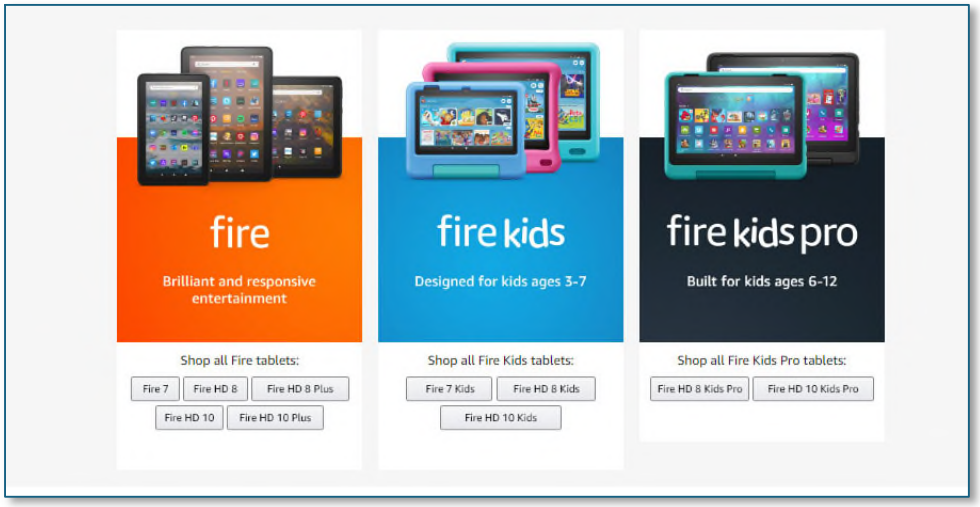
Attorney for Petitioner, Amazon.com, Inc., Amazon.com Services, Inc., Amazon Web Services, Inc., and Twitch Interactive, Inc.

APPENDIX A

Exhibit D
NL Giken Initial Infringement Claim Chart for US 8,094,236 – Served on October 4, 2024
CONFIDENTIAL –ATTORNEYS' EYES ONLY

Claim Term	Fire Tablet Component
1[PRE]: A television set comprising:	To the extent the preamble is limiting, each Fire tablet[1] is a television set. For example, as explained in more detail below, each Fire tablet provides users with the ability to watch programs using the Amazon Prime Video[2] service.  https://www.amazon.com/Amazon-Fire-Tablet-Family/b?ie=UTF8&node=6669703011 Amazon also induces customers to download the Prime Video app onto third-party devices and/or to use Amazon's Prime Video service via a web browser on third-party devices. Each such third-party device with the Prime Video app installed or running Amazon's Prime Video service via a web browser is a television set system in the same way as described above.

[1] The phrase "Fire tablet" hereinafter refers to all sizes of the fourth – thirteenth generations of Amazon's Fire tablet product as identified as infringing U.S. Patent No. 8,094,236 in NL Giken's First Amended Disclosure of the Accused Products served on October 4, 2024.
[2] The phrase "Prime Video" hereinafter refers to versions and apps of Amazon's Prime Video and Prime Video Life TV software as identified as infringing U.S. Patent No. 8,094,236 in NL Giken's First Amended Disclosure of the Accused Products served on October 4, 2024.

[1A]: a television function unit provided inside the television set and arranged to relate to a television function;	Each Fire tablet includes a television function unit provided inside the television set and arranged to relate to a television function. For example, Amazon Fire tablets contain the Amazon Prime Video application in internal memory for streaming content via Amazon Prime Video. https://www.amazon.com/Fire-Tablet-7/dp/B07FKR6KXF?th=1 When executing the Amazon Prime Video application from memory, the processing hardware in the tablet performs a television function (e.g. displaying television programs). Thus, software and hardware in the tablet serve as a television function unit that relate to a television function.

	Amazon also induces customers to download the Prime Video app onto third-party devices and/or to use Amazon's Prime Video service via a web browser on third-party devices. Each such third-party device with the Prime Video app installed or running Amazon's Prime Video service via a web browser includes a television function in the same way as described above.
[1B]: a detector provided inside the television set and arranged to detect a cause of change in the television function;	Each Fire tablet includes a detector provided inside the television set and arranged to detect a cause of change in the television function.

	[redacted]
	Amazon also induces customers to download the Prime Video app onto third-party devices and/or to use Amazon's Prime Video service via a web browser on third-party devices. Each such third-party device with the Prime Video app installed or running Amazon's Prime Video service via a web browser includes a detector in the same way as described above.

[1C]: a communicator provided inside the television set and arranged to selectively communicate with one of a plurality of outside counterparts	Each Fire tablet includes a communicator provided inside the television set and arranged to selectively communicate with one of a plurality of outside counterparts. For example, each Fire tablet includes a Wi-Fi controller, which is a communicator inside the Fire tablet arranged for communicating with one of a plurality of outside counterparts (e.g., other devices executing the Amazon Prime Video application or viewing Amazon Prime Video content in a web browser, and a server that synchronizes playback among devices participating in a Watch Party) over the Internet. **Wifi connectivity** Single-antenna dual-band wifi. Supports public and private wifi networks or hotspots that use the dual-band 802.11a, 802.11b, 802.11g, or 802.11n standard with support for WEP, WPA, and WPA2 security using password authentication; does not support connecting to ad-hoc (or peer-to-peer) wifi networks. WiFi 6 (802.11 ax) is not currently supported. https://www.amazon.com/Fire-Tablet-7/dp/B07FKR6KXF?th=1 The Wi-Fi controller is arranged to communicate selectively among outside counterparts. For example, the Wi-Fi controller provides full Internet access, allowing the tablet to communicate to a selected outside counterpart over the Internet. Amazon also induces customers to download the Prime Video app onto third-party devices and/or to use Amazon's Prime Video service via a web browser on third-party devices. Each such third-party device with the Prime Video app installed or running Amazon's Prime Video service via a web browser includes a communicator (such as a Wi-Fi controller and/or a cellular transceiver) in the same way as described above.
[1D]: by means of designating an address of one of the outside counterparts,	Each Fire Tablet includes a communicator arranged to selectively communicate with one of a plurality of outside counterparts by means of designating an address of one of the outside counterparts. For example, the Wi-Fi controller of each of the Fire tablets is arranged to selectively communicate with one of a plurality of outside counterparts by means of designating an address

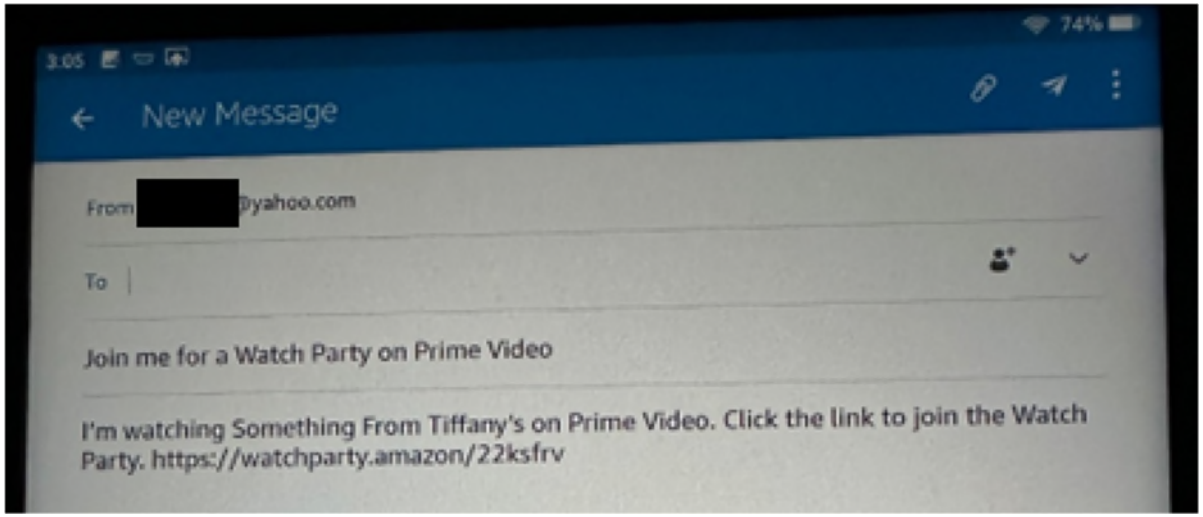
	of one of the outside counterparts, such as by selectively communicating an email to a designated email address over the Internet. For example, one means by which the Wi-Fi controller is arranged to designate an address of an outside counterpart is allowing a user to designate an email address of an outside counterpart (e.g., device executing the Amazon Prime Video application or viewing Amazon Prime Video in a web browser) in an email application executed on the Fire tablet. The Wi-Fi controller selectively communicates with the designated address, for example, by sending an email to the designated address.  [redacted]

Exhibit D
NL Giken Initial Infringement Claim Chart for US 8,094,236 – Served on October 4, 2024
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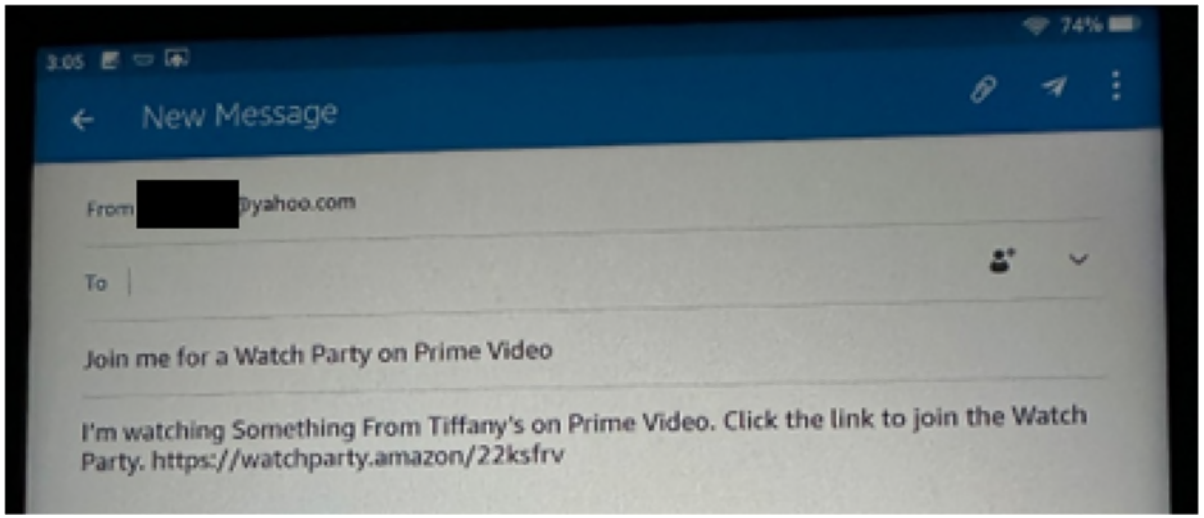
	[redacted]

	Amazon also induces customers to download the Prime Video app onto third-party devices and/or to use Amazon's Prime Video service via a web browser on third-party devices. Each such third-party device with the Prime Video app installed or running Amazon's Prime Video service via a web browser includes a communicator (such as a Wi-Fi controller and/or a cellular transceiver) arranged to selectively communicate with one of a plurality of outside counterparts by means of designating an address of one of the outside counterparts in the same way as described above.
[1E]: the plurality of outside counterparts including a first type of counterpart under free selection and a second type of counterpart which is predetermined;	In each Fire tablet, the plurality of outside counterparts includes a first type of counterpart under free selection and a second type of counterpart which is predetermined. For example, the Wi-Fi controller of each of the Fire tablets is arranged to selectively communicate with a first type of counterpart under free selection. For example, each Fire tablet uses the Wi-Fi controller to selectively communicate a Watch Party invitation to an email address of another device (e.g., executing the Amazon Prime Video application or accessing the Amazon Prime Video service on a web browser). The other device is freely selected by a user of the Fire tablet by entering the email address into the Fire tablet. 

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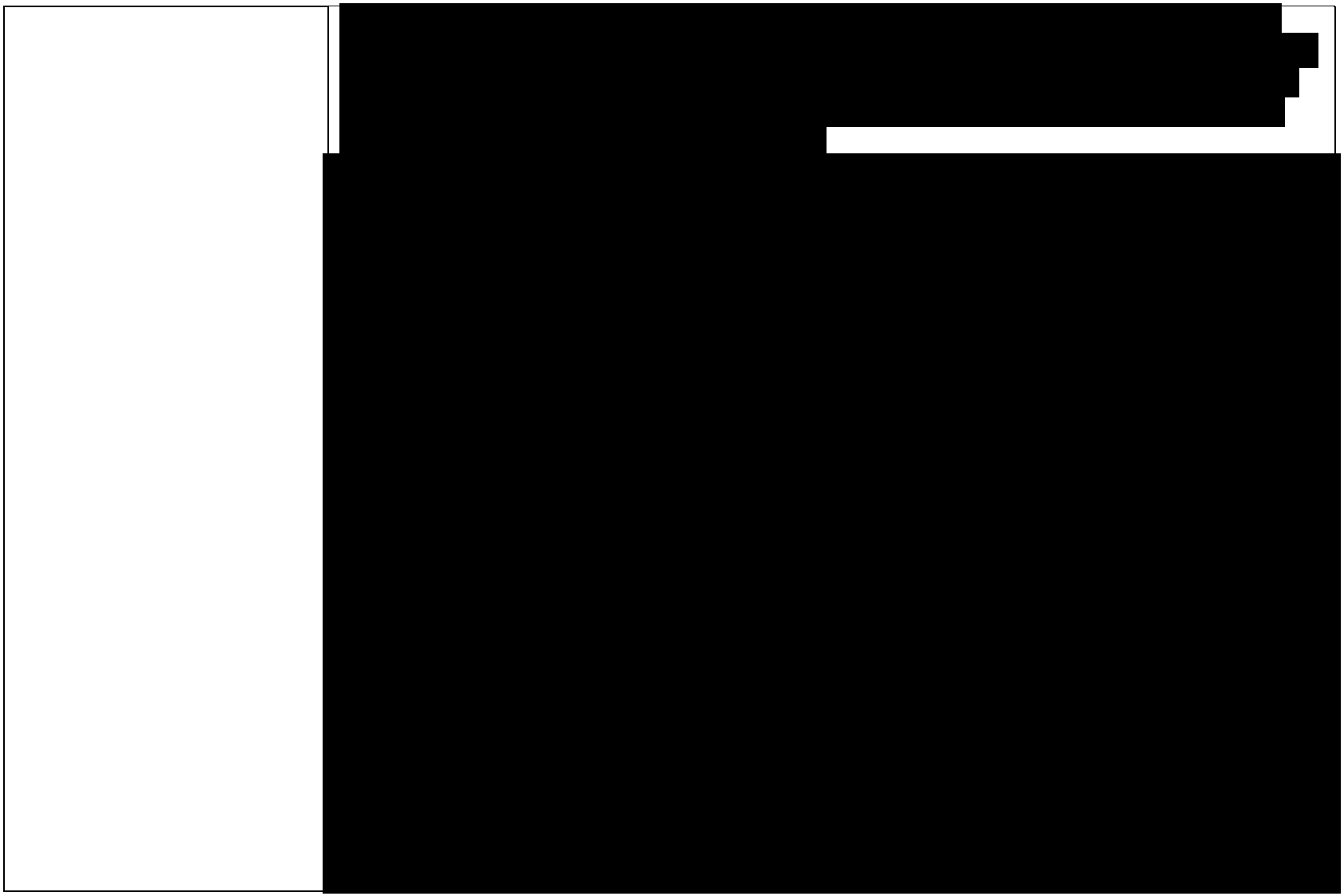

Amazon
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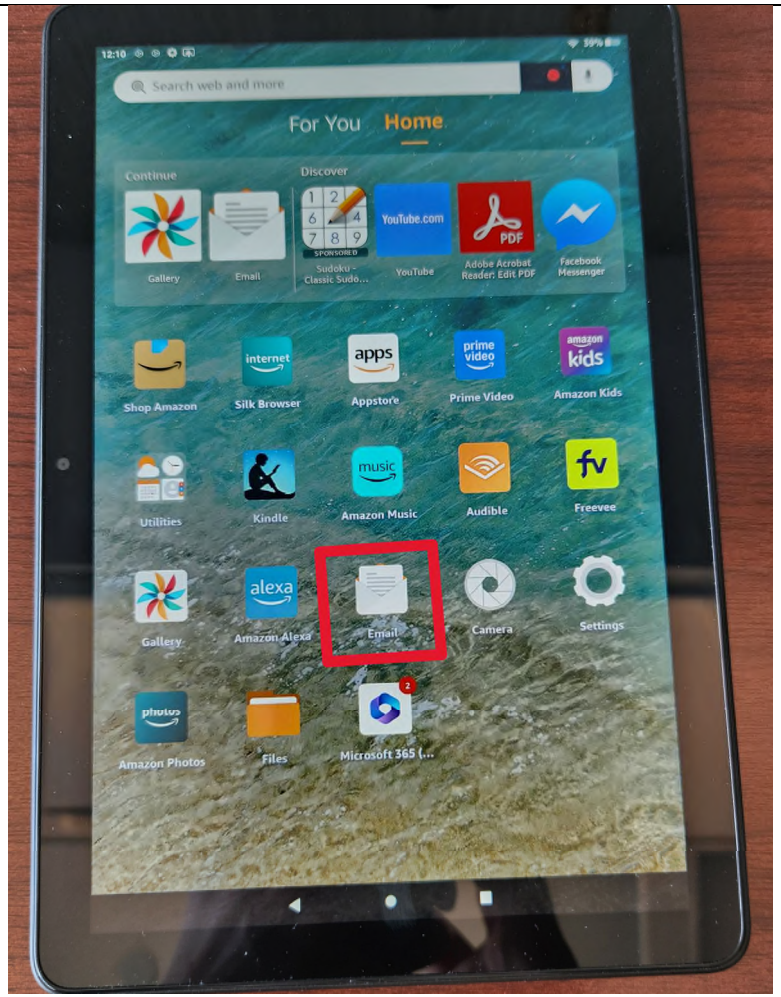
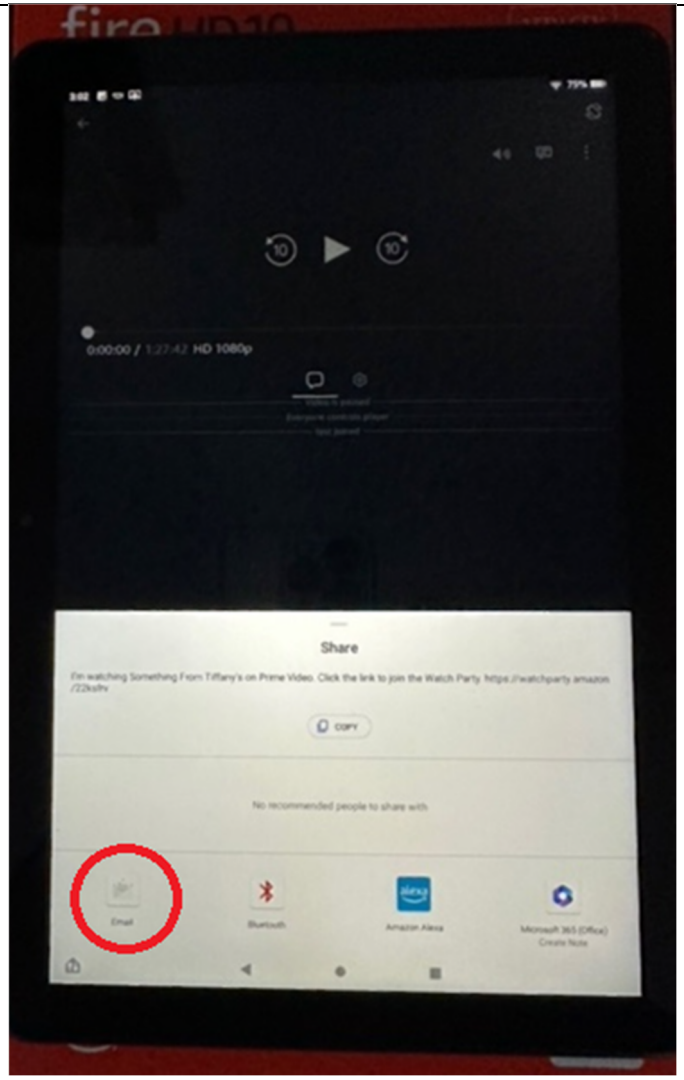
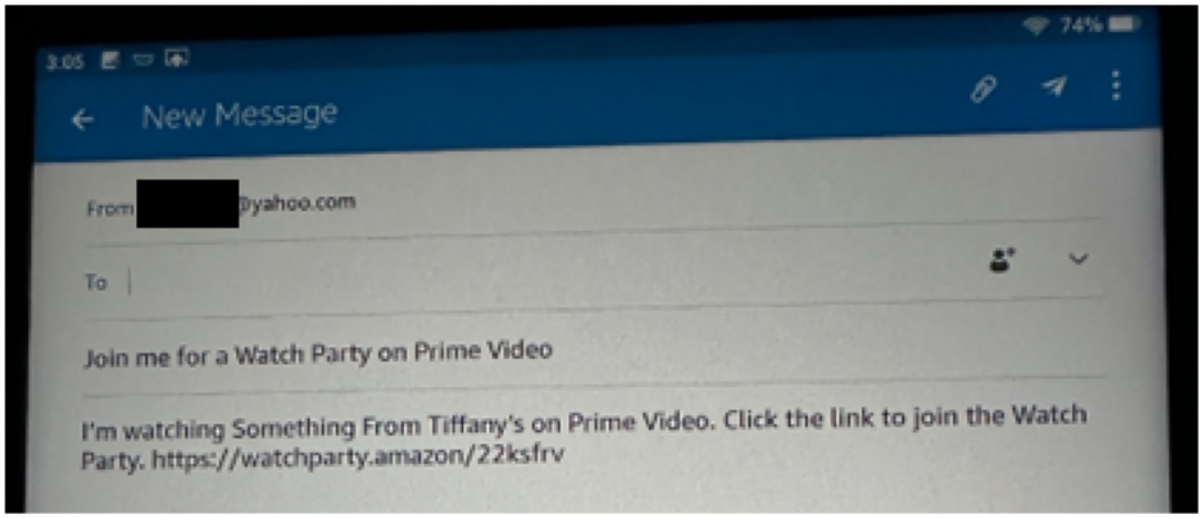
	[redacted] Amazon also induces customers to download the Prime Video app onto third-party devices and/or to use Amazon's Prime Video service via a web browser on third-party devices. For each such third-party device with the Prime Video app installed or running Amazon's Prime Video service via a web browser, the plurality of outside counterparts includes a first type of counterpart under free selection and a second type of counterpart which is predetermined in the same way as described above.
[1F]: an input provided inside the television set and arranged to newly and freely prepare first information;	Each Fire tablet includes an input provided inside the television set and arranged to newly and freely prepare first information. For example, each Fire tablets includes an input such as a touchscreen that is arranged to newly and freely prepare a Watch Party invitation as first information. Amazon Fire tablets contain a native email application in internal memory that is offered to the user as a selectable option for sharing a Watch Party link.

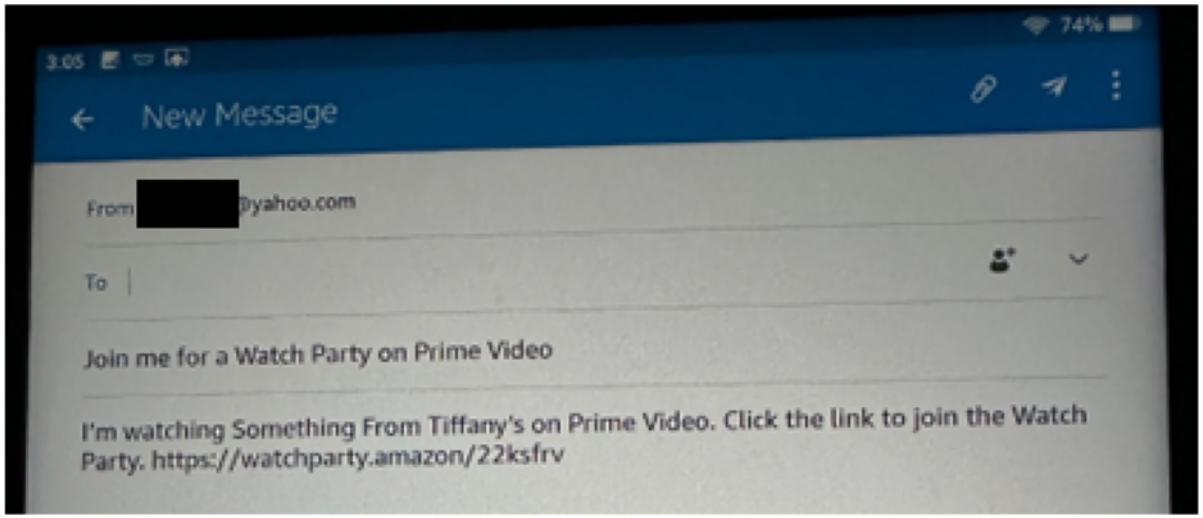


Fire HD10 Homescreen (annotated)



(annotated)

	Selecting the email option for sharing a Watch Party link within the Amazon Prime Video application opens the email application. The email application has a message field in which the touch screen is arranged to newly and freely prepare first information, such as a personalized message accompanying the Watch Party link.  Amazon also induces customers to download the Prime Video app onto third-party devices and/or to use Amazon's Prime Video service via a web browser on third-party devices. Each such third-party device with the Prime Video app installed or running Amazon's Prime Video service via a web browser include inputs such as touchscreens, keyboards, and/or electronic mice as well as email applications that interact with the Prime Video app and/or Amazon's Prime Video service in the same way as described above.
[1G]: first designator provided inside the television set and arranged to freely designate a desired	Each Fire tablet includes a first designator provided inside the television set and arranged to freely designate a desired address of the first type of outside counterpart to which the first information is sent.

address of the first type of outside counterpart to which the first information is sent;	For example, the native email application has an address bar which is a first designator inside each Fire tablet arranged to freely designate a desired email address of a freely designated outside counterpart (e.g., another device executing the Amazon Prime Video Application or viewing Amazon Prime Video content in a web browser). For example, manually entering an address in the address bar using the touchscreen freely designates that address as desired for communicating the newly and freely prepared information in the Watch Party invitation email.  Amazon also induces customers to download the Prime Video app onto third-party devices and/or to use Amazon's Prime Video service via a web browser on third-party devices. Each such third-party device with the Prime Video app installed or running Amazon's Prime Video service via a web browser includes a first designator in the same way as described above.
[1H]: a first trigger provided inside the television set and arranged to send the first information to the first type of counterpart through the	Each Fire tablet includes a first trigger provided inside the television set and arranged to send the first information to the first type of counterpart through the communicator when the first trigger is manually operated. For example, the email application of each Fire tablet has a send button, which is a first trigger provided inside each Fire tablet arranged to send the newly and freely prepared information in

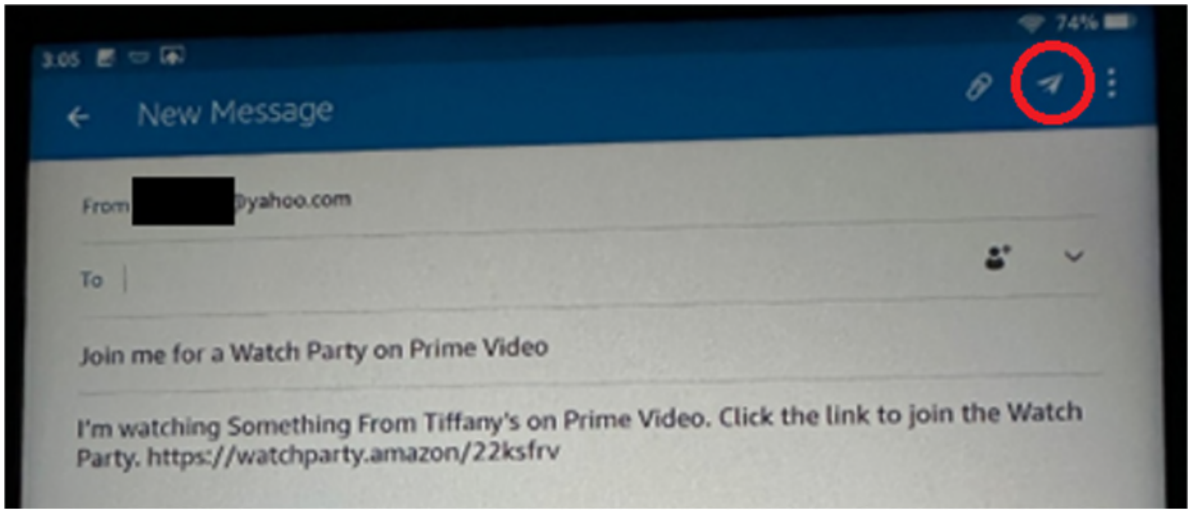
communicator when the first trigger is manually operated;	the Watch Party invitation email to the desired email address that was freely designated using the address bar when the send button is manually operated.  Amazon also induces customers to download the Prime Video app onto third-party devices and/or to use Amazon's Prime Video service via a web browser on third-party devices. Each such third-party device with the Prime Video app installed or running Amazon's Prime Video service via a web browser includes a first trigger in the same way as described above.
[1I]: an automatic generator provided inside the television set and arranged to generate predetermined second information in response to the detector which detects a cause of a predetermined change in the television function;	Each Fire tablet includes an automatic generator provided inside the television set and arranged to generate predetermined second information in response to the detector which detects a cause of a predetermined change in the television function. [redacted]

Exhibit D
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	[redacted]

Amazon
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	[redacted]
	Amazon also induces customers to download the Prime Video app onto third-party devices and/or to use Amazon's Prime Video service via a web browser on third-party devices. Each

	such third-party device with the Prime Video app installed or running Amazon's Prime Video service via a web browser includes an automatic generator in the same way as described above.
[1J]: a second designator provided inside the television set and arranged to automatically designate a predetermined address of the second type of outside counterpart to which the second information is sent; and	Each Fire tablet includes a second designator provided inside the television set and arranged to automatically designate a predetermined address of the second type of outside counterpart to which the second information is sent. [redacted]

	Amazon also induces customers to download the Prime Video app onto third-party devices and/or to use Amazon's Prime Video service via a web browser on third-party devices. Each such third-party device with the Prime Video app installed or running Amazon's Prime Video service via a web browser includes a second designator in the same way as described above.
[1K]: a second trigger provided inside the	Each Fire tablet includes a second trigger provided inside the television set and arranged to automatically send the second information to the second type of counterpart through the same

television set and arranged to automatically send the second information to the second type of counterpart through the same communicator in response to completion of the function of the automatic generator and the second designator.	communicator in response to completion of the function of the automatic generator and the second designator. [redacted] Each Fire tablet thus contains software ([redacted]) and associated hardware that are a second trigger.

	Amazon also induces customers to download the Prime Video app onto third-party devices and/or to use Amazon's Prime Video service via a web browser on third-party devices. Each

	such third-party device with the Prime Video app installed or running Amazon's Prime Video service via a web browser includes a second trigger in the same way as described above.
[2]: The television set according to claim 1, wherein the detector includes a receiver arranged to receive a signal from a remote controller.	The detector of each Fire tablet includes a receiver arranged to receive a signal from a remote controller. For example, the detector inside each Fire tablet includes a Bluetooth receiver arranged to receive a Bluetooth signal from a Bluetooth mouse or keyboard, can act as a remote controller. Amazon Fire tablets include a built-in Bluetooth receiver to support Bluetooth LE accessories, such as a Bluetooth mouse or keyboard. **Additional features** External volume controls, built-in Bluetooth with support for A2DP compatible stereo headphones, speakers, microphone, and LE accessories support https://www.amazon.com/Fire-Tablet-7/dp/B07FKR6KXF?th=1 [redacted] Thus, the detector of each Fire tablet includes a receiver (e.g., Bluetooth receiver hardware and software) arranged to receive a signal (e.g., over Bluetooth LE) from a remote controller (e.g., Bluetooth mouse or keyboard). Amazon also induces customers to download the Prime Video app onto third-party devices and/or to use Amazon's Prime Video service via a web browser on third-party devices. Each such third-party device with the Prime Video app installed or running Amazon's Prime Video

	service via a web browser includes a detector with a receiver in the same way as described above.
[4]: The television set according to claim 1, wherein the automatic generator is arranged to generate the second information in accordance with a predetermined format.	The automatic generator of each Fire tablet is arranged to generate the second information in accordance with a predetermined format. [redacted]

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NL Giken Initial Infringement Claim Chart for US 8,094,236 – Served on October 4, 2024
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	[redacted]

Amazon
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	[redacted]
	Amazon also induces customers to download the Prime Video app onto third-party devices and/or to use Amazon's Prime Video service via a web browser on third-party devices. Each such third-party device with the Prime Video app installed or running Amazon's Prime Video service via a web browser includes an automatic generator arranged in the same way as described above.

[6]: The television set according to claim 1, wherein the second designator is arranged to designate an address of another television set located in another place.	Each Fire tablet includes a second designator that is arranged to designate an address of another television set located in another place.

	[redacted] Amazon also induces customers to download the Prime Video app onto third-party devices and/or to use Amazon's Prime Video service via a web browser on third-party devices. Each such third-party device with the Prime Video app installed or running Amazon's Prime Video service via a web browser includes an automatic generator arranged in the same way as described above.
[15]: The television set according to claim 6, wherein the second information includes a channel identification of broadcast program for indication on a display of the another television set to visually inform the another television set of channel selection in the television function.	In each Fire tablet, the second information includes a channel identification of broadcast program for indication on a display of the another television set to visually inform the another television set of channel selection in the television function. [redacted]

	[redacted]
	Amazon also induces customers to download the Prime Video app onto third-party devices and/or to use Amazon's Prime Video service via a web browser on third-party devices. Each such third-party device with the Prime Video app installed or running Amazon's Prime Video service via a web browser is a television set wherein the second information includes a channel

	identification of broadcast program for indication on a display of the another television set to visually inform the another television set of channel selection in the television function in the same way as described above.

APPENDIX B

UNITED STATES PATENT AND TRADEMARK OFFICE

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v.

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Patent Owner

Inter Partes Review No.: IPR2025-00250

DEFAULT PROTECTIVE ORDER

This protective order governs the treatment and filing of confidential information, including documents and testimony.

1. Confidential information shall be clearly marked "PROTECTIVE ORDER MATERIAL."

2. Access to confidential information is limited to the following individuals who have executed the acknowledgment appended to this order:

(A) Parties. Persons who are owners of a patent involved in the proceeding and other persons who are named parties to the proceeding.

(B) Party Representatives. Representatives of record for a party in the proceeding.

(C) Experts. Retained experts of a party in the proceeding who further certify in the Acknowledgement that they are not a competitor to any party, or a consultant for, or employed by, such a competitor with respect to the subject matter of the proceeding.

(D) In-house counsel. In-house counsel of a party.

(E) Support Personnel. Administrative assistants, clerical staff, court reporters and other support personnel of the foregoing persons who are reasonably necessary to assist those persons in the proceeding shall not be required to sign an Acknowledgement, but shall be informed of the terms and

requirements of the Protective Order by the person they are supporting who receives confidential information.

(F) The Office. Employees and representatives of the United States Patent and Trademark Office who have a need for access to the confidential information shall have such access without the requirement to sign an Acknowledgement. Such employees and representatives shall include the Director, members of the Board and their clerical staff, other support personnel, court reporters, and other persons acting on behalf of the Office.

3. Employees (e.g., corporate officers), consultants, or other persons performing work for a party, other than those persons identified above in (d)(2)(A)–(E), shall be extended access to confidential information only upon agreement of the parties or by order of the Board upon a motion brought by the party seeking to disclose confidential information to that person and after signing the Acknowledgment. The party opposing disclosure to that person shall have the burden of proving that such person should be restricted from access to confidential information.

4. Persons receiving confidential information shall use reasonable efforts to maintain the confidentiality of the information, including:

(A) Maintaining such information in a secure location to which persons not authorized to receive the information shall not have access;

(B) Otherwise using reasonable efforts to maintain the confidentiality of the information, which efforts shall be no less rigorous than those the recipient uses to maintain the confidentiality of information not received from the disclosing party;

(C) Ensuring that support personnel of the recipient who have access to the confidential information understand and abide by the obligation to maintain the confidentiality of information received that is designated as confidential; and

(D) Limiting the copying of confidential information to a reasonable number of copies needed for conduct of the proceeding and maintaining a record of the locations of such copies.

5. Persons receiving confidential information shall use the following procedures to maintain the confidentiality of the information:

(A) Documents and Information Filed With the Board.

(i) A party may file documents or information with the Board along with a Motion to Seal. The Motion to Seal should provide a non-confidential description of the nature of the confidential information that is under seal, and set forth the reasons why the information is confidential and should not be made available to the public. A party may challenge the confidentiality of the information

by opposing the Motion to Seal. The documents or information shall remain under seal unless the Board determines that some or all of it does not qualify for confidential treatment.

(ii) Where confidentiality is alleged as to some but not all of the information submitted to the Board, the submitting party shall file confidential and non-confidential versions of its submission, together with a Motion to Seal the confidential version setting forth the reasons why the information redacted from the non-confidential version is confidential and should not be made available to the public. A party may challenge the confidentiality of the information by opposing the Motion to Seal. The non-confidential version of the submission shall clearly indicate the locations of information that has been redacted. The confidential version of the submission shall be filed under seal. The redacted information shall remain under seal unless the Board determines that some or all of the redacted information does not qualify for confidential treatment.

(B) Documents and Information Exchanged Among the Parties. Documents (including deposition transcripts) and other information designated as confidential that are disclosed to another party during discovery or other proceedings before the Board shall be clearly marked as

"PROTECTIVE ORDER MATERIAL" and shall be produced in a manner that maintains its confidentiality.

6. Within 60 days after the final disposition of this action, including the exhaustion of all appeals and motions, each party receiving confidential information must return, or certify the destruction of, all copies of the confidential information to the producing party.

AMAZON.COM, INC. V. NL GIKEN INC.
Case No. IPR2025-00250
U.S. Patent No. 8,094,236

Standard Acknowledgment for Access to Protective Order Material

I, _____, affirm that I have read the Protective Order; that I will abide by its terms; that I will use the confidential information only in connection with this proceeding and for no other purpose; that I will only allow access to support staff who are reasonably necessary to assist me in this proceeding; that prior to any disclosure to such support staff I informed or will inform them of the requirements of the Protective Order; that I am personally responsible for the requirements of the terms of the Protective Order and I agree to submit to the jurisdiction of the Office and the United States District Court for the Eastern District of Virginia for purposes of enforcing the terms of the Protective Order and providing remedies for its breach.

Executed on _____, 20____

_____