

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MURATA MANUFACTURING CO., LTD,
Petitioner,

v.

GEORGIA TECH RESEARCH CORPORATION,
Patent Owner.

IPR2025-00384
U.S. Patent No. 7,489,914

PETITIONER'S MOTION TO SEAL

I. Introduction

Petitioner requests that Exhibit 1044 and the confidential version of Petitioner's Opposition to Patent Owner's Discretionary Denial Brief, which includes information from Exhibit 1044, each be sealed under 37 C.F.R. §42.54 and requests that the Default Protective Order be entered in this proceeding. Good cause exists to seal these documents because they constitute or include sensitive, non-public information.

II. Good Cause Exists for Sealing Certain Confidential Information.

In deciding whether to seal documents, 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 v. Cuozzo*, IPR2012-00001 (PTAB Apr. 5, 2013) (Paper 36). Good cause for sealing material is established by demonstrating that the following considerations favor 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. *See Argentum Pharms. LLC v. Alcon Research, Ltd.*, IPR2017-01053, Paper 27 (PTAB Jan. 19, 2018)

(informative), at 4; *see also Corning Optical Communications RF, LLC, v. PPC Broadband, Inc.*, IPR2014-00440 (PTAB Apr. 14, 2015) (Paper 47), at 3.

A. Exhibit 1044

Exhibit 1044 contains information that Petitioner has identified as confidential business information and marked as “PROTECTIVE ORDER MATERIAL” under the Default Protective Order. The *Argentum* factors favor sealing Exhibit 1044. Addressing the *Argentum* factors in turn:

First, 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 Fed. Reg. 48756, 48760 (Aug. 14, 2012). 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). Here, the information sought to be sealed and that Petitioner seeks to protect has nothing to do with patentability, but rather is an Evaluation Report communicated to Jacket Micro Devices (JMD) by Murata Manufacturing Co., Ltd. (now Petitioner), which demonstrates problems with samples of JMD’s substrate technology including issues with delamination, voids, and manufacturing. *See* EX1043, ¶9. Each page is marked

“Confidential” and indicates thereon “[a]ll the information contained [t]herein shall be treated in accordance with the non disclosure agreement made by [JMD] and muRata Mfg. Co Ltd.” This information relates to the particular substrate technology that was offered by JMD *circa* 2007 and illustrates specific delamination, voiding, and manufacturing problems that made JMD’s substrate technology unusable. EX1043, ¶¶9-10. Materials, configurations and process information discernable in the Evaluation Report are subject to a non-disclosure agreement to which Murata Manufacturing Co., Ltd. was a party and presumably remain confidential to JMD or its successor(s).¹ In addition, the evaluation techniques and results described in the Evaluation Report are confidential to, and trade secrets of, Petitioner. Moreover, the Evaluation Report is the product of highly confidential business practices and includes confidential and sensitive information regarding technology evaluation and relating to Petitioner’s practices for dealing with entities that seek to develop business relationships. Petitioner guards information about its business dealings closely to protect its confidential information as well as that of third parties with

¹ Each page of the Evaluation Report filed as EX1044 includes the original footer that notes the confidentiality requirement and references a non disclosure agreement.

which, as here, it has entered into non-disclosure obligations. Petitioner has not made, and does not intend to make, this information publicly available.

Second, Petitioner would suffer concrete harms from the public disclosure of the confidential information sought to be sealed. Because the confidential information details Petitioner's proprietary and closely guarded business dealings and evaluation techniques (including its technical means), public access to this information could give Petitioner's competitors and would-be rivals unfair competitive advantages, including a roadmap for business and technology offerings to Petitioner or related entities. Public disclosure of this information could also undermine Petitioner's business and competitiveness in the market, and expose Petitioner to exposure under contractual obligations relative to confidential information of JMD or its successor(s) contained in the Evaluation Report.

Third, there exists no genuine need to rely in the trial on the specific information sought to be sealed. The information that is sought to be sealed is unrelated to the substantive unpatentability of the '914 Patent under the prior art grounds before the Board. Instead, the information that is sought to be sealed appears to be pertinent only in the preliminary phase of this proceeding, and then in support of Petitioner's opposition to Patent Owner's request for discretionary denial. Specifically, Patent Owner has submitted in support of its Discretionary Denial Brief

(Paper 8) a heavily redacted² document that it alleges was presented by JMD to Murata *circa* 2007. The confidential information sought to be sealed tends to rebut Patent Owner's version of events articulated with reference to its redacted (*i.e.*, altered) exhibit. The Board's determination of whether Petitioner has shown a reasonable likelihood of prevailing for purposes of institution, or whether Petitioner has shown unpatentability of the challenged claims by a preponderance of the evidence will be unaffected by the sealing of this confidential information.

² The document, submitted by Patent Owner as EX2003, has been heavily redacted, potentially altering the import of the document and its credibility as evidence—and no confidential version has been filed under seal as required by the Trial Practice Guide. CTPG, 111 (November 2019) (“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, or if the information has been designated as confidential by the opposing party, that party shall set forth the reasons why the information redacted is confidential and should not be made publicly available. and no unredacted copy is of record.”)

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.

B. Confidential Version of Petitioner’s Opposition to Patent Owner’s Discretionary Denial Brief

Petitioner’s Opposition to Patent Owner’s Discretionary Denial Brief includes references to the Exhibit 1044 information that Petitioner has identified as confidential business information. Accordingly, a confidential version of the Opposition is filed, marked as “PROTECTIVE ORDER MATERIAL” under the Default Protective Order. Also, consistent with the Trial Practice Guide, a public version is filed with redactions limited to the minimum amount necessary to protect the confidential information, such that the thrust of the underlying argument or evidence is clearly discernible. The *Argentum* factors favor sealing the confidential information included from Exhibit 1044 in the Opposition for the same reasons as given for Exhibit 1044.

III. Protective Order

Petitioner certifies, in accordance with 37 C.F.R. §42.54, that the parties have conferred. The parties have agreed to the Default Protective Order, at least for confidential information that Petitioner submits with its Opposition to Patent Owner's Discretionary Denial Brief. Moreover, Petitioner certifies that it accepts and agrees to the terms of the Default Protective Order.

IV. Conclusion

For the above reasons, Petitioner requests that the Board enter the Default Protective Order and seal and protect the Parties' confidential information in Exhibit 1044 and in the confidential version of Petitioner's Opposition to Patent Owner's Discretionary Denial Brief, which includes information from Exhibit 1044.

Respectfully submitted,

Date: July 15, 2025
HAYNES AND BOONE, LLP
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CERTIFICATE OF SERVICE

The undersigned certifies that, in accordance with 37 C.F.R. § 42.6(e) and 37 C.F.R. § 42.105, service was made on Patent Owner as detailed below.

Date of service July 15, 2025

Manner of service Electronic Email: wthomas@mcciplaw.com;
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Documents served PETITIONER'S OPPOSITION TO PATENT OWNER'S
DISCRETIONARY DENIAL BRIEF
EX1043-EX1047
PETITIONER'S MOTION TO SEAL

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