

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EUNSUNG GLOBAL CORP.,
Petitioner

v.

HYDRAFACIAL LLC,
Patent Owner

Case IPR2025-00445
Patent 9,550,052 B2

PETITIONER'S MOTION TO SEAL

Pursuant to 37 C.F.R. §§ 42.14, 42.54(a), 42.56, and the Modified Protective Order (Paper 13), Petitioner Eunsung Global Corp. (“Petitioner” or “Eunsung”) submits this unopposed Motion to Seal to seal Petitioner’s Opposition To Patent Owner’s Motion To Terminate (“Petitioner’s Opposition”). As explained below, good cause exists to place Petitioner’s Opposition under seal. *See Argentum Pharmaceuticals LLC v. Alcon Research, Ltd.*, IPR2017-01053, Paper 27 at 3-4 (PTAB Jan. 19, 2018).

I. GOOD CAUSE EXISTS TO SEAL

The Board has applied a four-pronged test in assessing motions to seal: a movant to seal must demonstrate adequately 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 Pharm. LLC v. Alcon Research, Ltd.*, IPR2017-01053, Paper 27, 4 (PTAB Jan. 19, 2018) (informative) (citing to 37 C.F.R. § 42.54(a)).

First, the information sought to be sealed is “truly confidential.” Petitioner’s Opposition contains confidential business sensitive information, such as Eunsung’s obligations and Cartessa’s obligations under confidential business agreements.

Eunsung has designated the information as confidential pursuant to the protective order and has maintained the confidentiality of the information. Eunsung guards such information closely as core business and contractual information. Eunsung has not made, and does not intend to make, this information publicly available.

Second, a concrete harm would result upon public disclosure. Petitioner's Opposition contains business sensitive information, including Eunsung's obligations and Cartessa's obligations under confidential business agreements. Eunsung's business strategies and dealings with Cartessa constitute highly confidential business information. The information sought to be sealed here contains information about how Eunsung runs its business and its contractual relationship with its customers. The disclosure of these confidential documents would compromise Eunsung and Cartessa's ability to fairly negotiate future business agreements. Disclosure or use of the information kept in these confidential documents outside this proceeding would result in "concrete harm" and impair Eunsung and Cartessa's ability to compete in the market. To prevent such disclosure and the resultant harm to commercial interests, the confidential information should be protected pursuant to 37 C.F.R. § 42.54(a)(7).

Third, Eunsung alleges it has a “genuine need” to rely on the confidential information in Petitioner’s Opposition. HydraFacial has referenced the confidential information in its Motion to Terminate and Eunsung needs to reference the confidential information to demonstrate that Eunsung and Cartessa are not in privity.

Fourth, on balance, the prejudicial effect of disclosure outweighs the public’s interest in accessing this information for the purposes of understanding the business relationship between Cartessa and Eunsung. The confidentiality of the information cannot be regained following public disclosure. For the reasons articulated above, Eunsung and Cartessa have a strong interest in maintaining confidentiality. By contrast, unsealing these confidential documents would provide little benefit to the public for the purposes of understanding the business relationship between Cartessa and Eunsung. Aside from describing the relationship between Eunsung and Cartessa, the information here has no relevance to the public’s interest.

II. CERTIFICATION OF NON-PUBLICATION

To the best of Petitioner’s knowledge, the information sought to be sealed has not been published or otherwise made public and the confidentiality of this information has been consistently maintained by the parties.

Eunsung certifies the parties have conferred regarding the need to maintain the confidentiality of the information in Petitioner's Opposition under seal. Patent Owner does not oppose Eunsung's Motion to Seal.

Should the Board be inclined to deny the present Motion to Seal, Petitioner respectfully requests a conference call with the Board to discuss any concerns prior to the Board issuing a decision on the Motion.

III. CONCLUSION

For these reasons, Eunsung requests that the Board grant this Motion.

Respectfully submitted,

Dated July 25, 2025

/Jeremy J. Monaldo/

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(4) and 42.6(e)(4)(iii), the undersigned certifies that on July 25, 2025, a complete and entire copy of this Petitioner's Motion to Seal was provided by email to the Patent Owner by serving the correspondence address of record as follows:

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