

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NVIDIA CORPORATION,
Petitioners,

v.

NEURAL AI, LLC,
Patent Owner.

Case No. IPR2025-00606
U.S. Patent No. 8,648,867

**UNOPPOSED MOTION TO SEAL AND
FOR ENTRY OF A PROTECTIVE ORDER**

PETITIONERS' EXHIBIT LIST

Exhibit	Description
1001	U.S. Patent No. 8,648,867
1002	File History for U.S. Patent No. 8,648,867 (Appl. No. 11/860,254)
1003	Declaration of Prof. Tajana Rosing, Ph.D.
1004	U.S. Patent No. 7,861,060 ("Nickolls")
1005	U.S. Patent No. 7,139,003 ("Kirk")
1006	GPU Gems 2: Programming Techniques for High-Performance Graphics and General-Purpose Computation (2005)
1007	Plaintiff's Disclosure of Asserted Claims and Preliminary Infringement Contentions Pursuant to the Court's Standing Order Governing Patent Proceedings (Jan. 14, 2025)
1008	Declaration of Dr. Mary Bolin
1009	<i>The C programming Language</i> (1988)
1010	Excerpts of Patent Owner's Infringement Contentions
1011	Numerical Recipes in C (2d ed. 2002)
1012	Jeanne Martin, <i>Fortran 90 Pointers</i> . "Cray" Pointers, 11 ACM SIGPLAN Fortran Forum (1992)
1013	Arthur Veen, <i>Dataflow Machine Architecture</i> (1986)
1014	Michael Flynn, <i>Some Computer Organizations and Their Effectiveness</i> (1972)
1015	Press Release – NVIDIA Launches the World's First Graphics Processing Unit; GeForce 256 (Aug. 31, 1999)
1016	Excerpts of OpenGL Shading Language (2004)
1017	Excerpts of The Cg Tutorial: The Definitive Guide to Programmable Real-Time Graphics (2003)
1018	OpenGL 2.1 Reference Pages
1019	Advanced Image Processing with DirectX 9 Pixel Shaders (2004)
1020	GPGPU: Basic Math Tutorial
1021	Ian Buck, <i>Data Parallel Computation on Graphics Hardware</i> (2003)

Exhibit	Description
1022	Youquan Liu, <i>Real-Time 3D Fluid Simulation on GPU with Complex Obstacles</i> (2004)
1023	Kyoung-Su Oh, <i>GPU implementation of neural networks</i> (2004)
1024	Zhongwen Luo, <i>Artificial Neural Network Computation on Graphic Process Unit</i> (2004)
1025	Thomas Rolfes, <i>Artificial Neural Networks on Programmable Graphics Hardware</i> in Game Programming Gems 4 (2004)
1026	P.J.G. Lisboa, <i>A review of evidence of health benefits from artificial neural networks in medical intervention</i> (2002)
1027	U.S. Patent Publ. No. 2003/0140179 (“Wilt”)
1028	Bertil Svensson, <i>SIMD Processor Array Architectures</i> in PARALLEL PROCESSING IN INDUSTRIAL REAL-TIME APPLICATIONS (1992)
1029	Michael Glover, <i>A Massively-Parallel SIMD Processor for Neural Network and Machine Vision Applications</i> (1993)
1030	Francisco Mesa-Martinez, <i>The UCSC Kestrel High Performance SIMD Processor: Present and Future</i> (2003)
1031	<i>Sotera</i> Stipulation (Feb. 21, 2025)
1032	Stipulated Protective Order
1033	NAI’s Original Complaint in <i>Neural AI, LLC v. NVIDIA Corp.</i> , No. 7:24-cv-00221 (W.D. Tex.), Dkt. 1, September 13, 2024
1034	Order in <i>Neural AI, LLC v. NVIDIA Corp.</i> , No. 7:24-cv-00221 (W.D. Tex.), Dkt. 5, September 16, 2024
1035	Time to Milestones: California Northern District, DOCKETNAVIGATOR (last visited July 11, 2025).
1036	NAI’s Responsive Claim Construction Brief in <i>Neural AI, LLC v. NVIDIA Corp.</i> , No. 7:24-cv-00221 (W.D. Tex.), Dkt. 74, June 10, 2025
1037	NVIDIA’s Reply in Support of Transfer in <i>Neural AI, LLC v. NVIDIA Corp.</i> , No. 7:24-cv-00221 (W.D. Tex.), Dkt. 82, June 26, 2025

Exhibit	Description
1038	Plaintiff Neural AI LLC's Preliminary Infringement Contentions, Exhibit 1 (Claim chart for Grace-Hopper), served January 14, 2025 in <i>Neural AI, LLC v. NVIDIA Corp.</i> , No. 7:24-cv-00221 (W.D. Tex.)
1039	USPTO Assignments, Patent assignment 068567/0282
1040	L. Neeves, <i>Speeding up Neurala's Brian Building with NGC</i> (July 31, 2019), https://www.neurala.com/blog/speeding-up-neurala-brain-builder-with-ai-containers-from-nvidia-ngc .
1041	N. Alarcon, <i>Inception Spotlight: AI Startup Neruala Sees 7X Speedup with NGC</i> (Sep. 25, 2019), https://developer.nvidia.com/blog/inception-spotlight-ai-startup-neurala-sees-7x-speedup-with-ngc/ .
1042	<i>NVIDIA® CUDA™ Unleashes Power of GPU Computing</i> , NVIDIA (Feb. 16, 2007), https://web.archive.org/web/20070329144655/http://www.nvidia.com/object/IO_39918.html .
1043	<i>NVIDIA Leads Performance Per Watt Revolution With "Maxwell" Graphics Architecture</i> , NVIDIA (Feb. 17, 2014), https://nvidianews.nvidia.com/news/nvidia-leads-performance-per-watt-revolution-with-maxwell-graphics-architecture-6622576 .
1044	<i>A Quantum Leap in Gaming: NVIDIA Introduces GeForce GTX 1080</i> , NVIDIA (May 6, 2016), https://nvidianews.nvidia.com/news/a-quantum-leap-in-gaming:-nvidia-introduces-geforce-gtx-1080 .
1045	<i>NVIDIA Launches Revolutionary Volta GPU Platform, Fueling Next Era of AI and High Performance Computing</i> , NVIDIA (May 10, 2017), https://nvidianews.nvidia.com/news/nvidia-launches-revolutionary-volta-gpu-platform-fueling-next-era-of-ai-and-high-performance-computing .
1046	<i>NVIDIA Reinvents Computer Graphics with Turing Architecture</i> , NVIDIA (Aug. 13, 2018), https://nvidianews.nvidia.com/news/nvidia-reinvents-computer-graphics-with-turing-architecture .
1047	<i>NVIDIA's New Ampere Data Center GPU in Full Production</i> , NVIDIA (May 14, 2020), https://nvidianews.nvidia.com/news/nvidias-new-ampere-data-center-gpu-in-full-production .

Exhibit	Description
1048	<i>NVIDIA Announces Hopper Architecture, the Next Generation of Accelerated Computing</i> , NVIDIA (Mar. 22, 2022), https://nvidianews.nvidia.com/news/nvidia-announces-hopper-architecture-the-next-generation-of-accelerated-computing .
1049	<i>NVIDIA’s New Ada Lovelace RTX GPU Arrives for Designers and Creators</i> , NVIDIA (Sep. 20, 2022), https://nvidianews.nvidia.com/news/nvidias-new-ada-lovelace-rtx-gpu-arrives-for-designers-and-creators .
1050	Motion Success: Motion to Stay Pending Inter Partes Review — California Northern District, DOCKETNAVIGATOR (last visited Jun. 27, 2025).
1051	Texas Secretary of State, <i>Certificate of Amendment for Neural AI, LLC</i> (Jul. 15, 2024).
1052	K. Vidal, <i>Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation</i> , U.S.P.T.O. (Jun. 21, 2022).
1053	<i>USPTO Rescinds memorandum addressing discretionary denial procedures</i> (Feb. 28, 2025), https://www.uspto.gov/about-us/news-updates/uspto-rescinds-memorandum-addressing-discretionary-denial-procedures .
1054	Boalick, C.A.P.J., <i>Guidance on USPTO’s rescission of “Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation”</i> , U.S.P.T.O. (Mar. 24, 2025).
1055	Marketing Agreement between NVIDIA and Neurala (Feb. 4, 2016). (Sealed)
1056	Amendment No. 1 to the Marketing Agreement between NVIDIA and Neurala (Feb. 22, 2017). (Sealed)
1057	Neurala Inventor’s Notes, NAI_0007735–36. (Sealed)
1058	<i>Jetson TX1 Module</i> , NVIDIA, https://developer.nvidia.com/embedded/jetson-tx1 (last visited Jul. 11, 2025).
1059	Neurala, Press Release titled <i>Neurala Brings New AI Technology to NVIDIA Jetson Ecosystem</i> (June 14, 2016), available at

Exhibit	Description
	https://www.neurala.com/press-releases/neurala-brings-new-ai-technology-nvidia-jetson-ecosystem
1060	NVIDIA AI, <i>How a Boston Startup Plans to Poach Poachers in Africa Using Intelligent Drones</i> , Medium, (July 10, 2017), available at https://medium.com/@NvidiaAI/how-a-boston-startup-plans-to-poach-poachers-in-africa-using-intelligent-drones-ec0a2b32d0e0
1061	<i>Neurala Vision Inspection Automation (VIA) Software Brings New Technology to Visual Inspection</i> , Neurala, https://www.neurala.com/tech (last visited July 11, 2025)
1062	Redline Showing Proposed Modifications to the Default Protective Order

I. Introduction

On July 7, 2025, counsel for Petitioner NVIDIA Corporation (“NVIDIA”) emailed the Patent Trial and Appeal Board (the “Board”) requesting entry of a Protective Order in this proceeding. Petitioner herewith submits a proposed Protective Order that is based on the PTAB’s Default Protective Order, with the addition of Attorneys Eyes’ Only and Outside Attorneys’ Eyes Only designations to correspond to designations in the Protective Order being negotiated for the co-pending district court action. Petitioner also explained to the Board that it anticipates seeking a motion to seal portions of its response and at least one exhibit based on content that the Patent Owner has designated Attorneys’ Eyes Only in the related district court litigation. Petitioner received an email from director_discretionary_decision@uspto.gov approving submission of the proposed Protective Order on July 7, 2025.

In accordance with the Office’s instructions, Petitioner has attached a clean version of the Proposed Stipulated Protective Order as Addendum A and also filed it separately as Exhibit 1032 as instructed by the Office and a redline showing the proposed modifications to the Default Protective Order as Addendum B and also filed it separately as Exhibit 1062. Patent Owner has agreed to the Proposed Stipulated Protective Order pending approval by the Board.

Petitioner further moves to seal (1) a document produced by Patent Owner with the Bates Numbers NAI_0007735–36 and filed as Exhibit 1057, which Patent Owner designated this document as “Attorneys’ Eyes Only” in the co-pending district court litigation, (2) two agreements (Exhibits 1055 and 1056), which have not been published or otherwise made public, and (3) portions of Petitioners’ Response to Patent Owner’s Request for Discretionary Denial.

II. Good Cause Supports Petitioner’s Motions for Entry of a Protective Order and to Seal

Good cause supports entry of the Proposed Stipulated Protective Order. The materials that Petitioner anticipates sealing contain confidential information and technical know-how that was produced by Patent Owner and designated as “Attorneys’ Eyes Only” in the co-pending district court litigation between the parties, styled *Neural AI, LLC v. NVIDIA Corporation*, Case No. 7-24-cv-00221 (W.D. Tex.) (the “Texas Action”), or confidential technical information of Petitioner or confidential information subject to non-disclosure agreements between the parties.

Good cause exists for the sealing of the document produced by Patent Owner with the Bates Numbers NAI_0007735–36 and filed as Exhibit 1057, and references to this document in the Petitioner’s Response to Patent Owner’s Request for Discretionary Denial. This document was designated by Patent Owner under the district court’s interim protective order as containing “Attorneys’ Eyes Only”

information and contains confidential information and technical know-how of the Patent Owner.

Good cause also exists for sealing the documents filed as Exhibits 1055 and 1056, and references to these documents in the Petitioner's Response to Patent Owner's Request for Discretionary Denial. The exhibits are confidential agreements between Neurala, Inc. (a former assignee of the challenged patent) and Petitioner NVIDIA, the terms of which are not publicly known.

In accordance with the Board's instructions, the Proposed Stipulated Protective Order is based on the Default Protective Order. Petitioner further submits that the Proposed Stipulated Protective Order is narrowly tailored to protect the confidential information in the same manner as it has been protected in the Texas Action without significantly impacting the public's interest in maintaining a complete and understandable file history. Specifically, the Proposed Stipulated Protective Order includes the following modifications relative to the Default Protective Order:

- Paragraph 1 of the Default Protective Order is modified to reflect the types of confidential information that may be produced in this IPR includes "any document, information, or material that constitutes or includes, in whole or in part, confidential or proprietary information or trade secrets of the Party or a

Third Party to whom the Party reasonably believes it owes an obligation of confidentiality with respect to such document, information, or material.”

- Paragraph 2 of the Default Protective Order is modified to limit dissemination of material designated Confidential to Outside Counsel of Record (as opposed to Party Representatives).
- Paragraphs 3 to 5 were added to allow parties to designate materials as “CONFIDENTIAL - ATTORNEYS’ EYES ONLY - PROTECTIVE ORDER MATERIAL” or “HIGHLY CONFIDENTIAL - OUTSIDE ATTORNEYS’ EYES ONLY - PROTECTIVE ORDER MATERIAL,” to the extent such material is “so sensitive that its dissemination deserves even further limitation.”
- Paragraph 10 was added to confirm that this Proposed Protective Order does not alter the parties’ obligations under the Protective Order that will be entered in the Texas Action.

III. Certification of Non-Publication

Undersigned counsel, on behalf of Petitioner, certifies that the information sought to be sealed has not, to their knowledge, been published or otherwise made public by Patent Owner.

IV. Certification of Conference

Petitioner certifies that it has conferred with counsel for Patent Owner. Counsel for Patent Owner has stated that it agrees to the Proposed Stipulated Protective Order pending approval by the Board and agrees to the sealing of the information designated as Attorneys' Eyes Only.

V. Conclusion

For the foregoing reasons, Patent Owner respectfully requests that the Board enter the Proposed Stipulated Protective Order, appended (in clean form) as Addendum A and filed as Exhibit 1032, seal the document that was produced to Petitioner in the Texas Action under the "Highly Confidential – Attorneys' Eyes Only" designation and bearing the Bates Numbers NAI_0007735–36 and attached as Exhibit 1057, seal the confidential agreements filed as Exhibits 1055 and 1056, and seal the portions of Petitioner's Response to Patent Owner's Request for Discretionary Denial that reference the sealed exhibits.

DATED: July 14, 2025

Respectfully Submitted,

/Brian M. Buroker/

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ADDENDUM A

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NVIDIA CORPORATION,
Petitioners,

v.

NEURAL AI, LLC,
Patent Owner.

Case No. IPR2025-00606
U.S. Patent No. 8,648,867

[PROPOSED] STIPULATED PROTECTIVE ORDER

Protective Order

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

1. Each Party may designate as confidential for protection under this Order, in whole or in part, any document, information, or material that constitutes or includes, in whole or in part, confidential or proprietary information or trade secrets of the Party or a Third Party to whom the Party reasonably believes it owes an obligation of confidentiality with respect to such document, information, or material (“Protected Material”). Protected Material shall be clearly marked “CONFIDENTIAL - PROTECTIVE ORDER MATERIAL.”
2. Access to Protected Material designated as CONFIDENTIAL 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. Outside Counsel of Record. Outside counsel of record for a party in the proceeding, or in related proceedings or litigation.

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. To the extent a producing Party believes that certain Protected Material qualifying to be designated CONFIDENTIAL is so sensitive that its dissemination deserves even further limitation, the producing Party may designate such Protected Material “CONFIDENTIAL - ATTORNEYS’ EYES ONLY - PROTECTIVE ORDER MATERIAL” or “HIGHLY CONFIDENTIAL - OUTSIDE ATTORNEYS’ EYES ONLY - PROTECTIVE ORDER MATERIAL.”
4. For Protected Material designated CONFIDENTIAL - ATTORNEYS’ EYES ONLY, access to, and disclosure of, such Protected Material shall be limited to individuals listed in paragraphs 2(B–F); provided, however, that access by in-house counsel pursuant to paragraph 2(D) be limited to in-house counsel who exercise no competitive decision-making authority on behalf of the client.
5. For Protected Material designated HIGHLY CONFIDENTIAL - OUTSIDE ATTORNEYS’ EYES ONLY, access to, and disclosure of, such Protected Material shall be limited to individuals listed in paragraphs 2(B–C) and (E–F); provided, however, that the designating party shall accommodate reasonable requests to provide summary information to in-house counsel designated pursuant to paragraph 2(D) who exercise no competitive decision-making authority on behalf of the

client and reasonably require access to such information.

6. Employees (e.g., corporate officers), consultants, or other persons performing work for a party, other than those persons identified above in (2)(A)–(E), shall be extended access to Protected Material 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 requesting disclosure to that person shall have the burden of proving that such person should be provided access to Protected Material.
7. Persons receiving Protected Material 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 Protected Material understand and abide by the obligation to maintain the confidentiality of information received that is

designated as confidential; and

D. Limiting the copying of Protected Material to a reasonable number of copies needed for conduct of the proceeding and maintaining a record of the locations of such copies.

8. Persons receiving Protected Material 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 Protected Material 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.

- i. 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.

9. Within 60 days after the final disposition of this action, including the exhaustion of all appeals and motions, each party receiving Protected Material must return, or certify the destruction of, all copies of the Protected Material to the producing party.
10. Nothing herein affects the parties' obligations under the protective order that has or will be entered in *Neural AI, LLC v. NVIDIA Corp.*, 7-24-cv-00221 (W.D. Tex.).
11. Standard Acknowledgement of Protective Order. The following form may be used to acknowledge a protective order and gain access to information covered by the protective order:

[CAPTION]

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.

[Signature]

ADDENDUM B

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NVIDIA CORPORATION,
Petitioners,

v.

NEURAL AI, LLC,
Patent Owner.

Case No. IPR2025-00606
U.S. Patent No. 8,648,867

**REDLINE OF PROTECTIVE ORDER AGAINST DEFAULT
PROTECTIVE ORDER**

DEFAULT PROTECTIVE ORDER

The following Default Protective Order will govern the filing and treatment of confidential information in the proceeding:

Default Protective Order

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

1. Each Party may designate as confidential for protection under this Order, in whole or in part, any document, information, or material that constitutes or includes, in whole or in part, confidential or proprietary information or trade secrets of the Party or a Third Party to whom the Party reasonably believes it owes an obligation of confidentiality with respect to such document, information, or material (“Protected Material”).~~Confidential information~~ Protected Material shall be clearly marked “CONFIDENTIAL - PROTECTIVE ORDER MATERIAL.”

2. Access to Protected Material designated as CONFIDENTIAL~~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-Outside Counsel of Record~~Representatives~~. Representatives
Outside counsel of record for a party in the proceeding, or in related
proceedings or litigation.

(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. To the extent a producing Party believes that certain Protected Material qualifying to be designated CONFIDENTIAL is so sensitive that its dissemination deserves even further limitation, the producing Party may designate such Protected Material “CONFIDENTIAL - ATTORNEYS’ EYES ONLY - PROTECTIVE ORDER MATERIAL” or “HIGHLY CONFIDENTIAL - OUTSIDE ATTORNEYS’ EYES ONLY - PROTECTIVE ORDER MATERIAL.”

4. For Protected Material designated CONFIDENTIAL - ATTORNEYS’ EYES ONLY, access to, and disclosure of, such Protected Material shall be limited to individuals listed in paragraphs 2(B–F); provided, however, that access by in-house counsel pursuant to paragraph 2(D) be limited to in-house counsel who exercise no competitive decision-making authority on behalf of the client.

5. For Protected Material designated HIGHLY CONFIDENTIAL -

OUTSIDE ATTORNEYS' EYES ONLY, access to, and disclosure of, such Protected Material shall be limited to individuals listed in paragraphs 2(B–C) and (E–F); provided, however, that the designating party shall accommodate reasonable requests to provide summary information to in-house counsel designated pursuant to paragraph 2(D) who exercise no competitive decision-making authority on behalf of the client and reasonably require access to such information.

3.6. 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 Protected Material~~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~~ requesting disclosure to that person shall have the burden of proving that such person should be ~~restricted from~~provided access to Protected Material~~confidential information~~.

4.7. Persons receiving Protected Material~~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 Protected Material~~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 Protected Material~~confidential information~~ to a reasonable number of copies needed for conduct of the proceeding and maintaining a record of the locations of such copies.

5.8. Persons receiving ~~confidential information~~Protected Material 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 Protected Material~~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.

~~6.9.~~ Within 60 days after the final disposition of this action, including the exhaustion of all appeals and motions, each party receiving ~~confidential information~~ Protected Material must return, or certify the destruction of, all copies of the ~~confidential information~~ Protected Material to the producing party.

~~(k)~~ Standard Acknowledgement of Protective Order. The following form may be used to acknowledge a protective order and gain access to information covered by the protective order:

[CAPTION]

~~VI. 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.

[Signature]

CERTIFICATE OF SERVICE

The undersigned certifies service pursuant to 37 C.F.R. §§ 42.6(e) and 42.105(a), (b) on the Patent Owner of the UNOPPOSED MOTION TO SEAL AND FOR ENTRY OF A PROTECTIVE ORDER via email to the following addresses of record:

weatherwax@lowensteinweatherwax.com

lowenstein@lowensteinweatherwax.com

hendifar@lowensteinweatherwax.com

courtney@lowensteinweatherwax.com

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DATED: July 14, 2025

By: /Brian M. Buroker/

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