UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CLEARCORRECT OPERATING, LLC,
Petitioner,

v.

ALIGN TECHNOLOGY, INC.,
Patent Owner.

IPR2025-00818
Patent No. 10,973,613

PATENT OWNER'S MOTION TO SEAL

I. INTRODUCTION

Pursuant to 37 C.F.R. §§42.14 and 42.54, Patent Owner Align Technology, Inc. ("Align" or "Patent Owner") respectfully requests the Board authorize the filing under seal of Petitioner's Reply (Paper 39), the accompanying Exhibit List (Paper 40), Exhibits 1138-1141 and 1150, and Patent Owner's Sur-Reply (filed herewith) in accordance with the default protective order, which is also the subject of Patent Owner's previously filed Motion to Seal and for a Protective Order. *See* Paper 26. Good cause exists to seal these documents because they contain sensitive, non-public information that would significantly harm Align's competitive position if made public. Align conferred with Petitioner ClearCorrect Operating, LLC ("Petitioner") and understands Petitioner does not oppose this motion. As noted in Paper 26, the parties have accepted and agreed to the terms of the default protective order.

II. GOVERNING RULES AND PTAB GUIDANCE

Under 35 U.S.C. §316(a)(1), the default rule is that all papers filed in an *inter partes* review are open and available for access by the public, but a party may file a concurrent motion to seal and the information at issue is sealed pending the outcome of the motion.

Similarly, 37 C.F.R. §42.14 provides:

> The record of a proceeding, including documents and things, shall be made available to the public, except as otherwise ordered. A party

> intending a document or thing to be sealed shall file a motion to seal concurrent with the filing of the document or thing to be sealed. The document or thing shall be provisionally sealed on the receipt of the motion and remain so pending the outcome of the decision on the motion.

Only "confidential information" is protected from disclosure. 35 U.S.C. §316(a)(7) ("The Director shall prescribe regulations . . . providing for protective orders governing the exchange and submission of confidential information"). In this regard, the Office Trial Practice Guide provides:

> 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.
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> * * *
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> The 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. 37 C.F.R. § 42.54.

Office Trial Practice Guide, §I.E.

III. GOOD CAUSE EXISTS TO SEAL THE CONFIDENTIAL DOCUMENTS

The Board's 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. Office Trial Practice Guide, §I.E. As described below, good cause exists to seal Petitioner's Exhibits 1138-1141, Exhibit 1150, Petitioner's Reply and Exhibit List, and Patent Owner's Sur-Reply.

Exhibits 1138-1141 were produced by Patent Owner to Petitioner under an agreement that they be treated as confidential under the default protective order. These documents contain sensitive non-public business or technical information relating to Align products. Exhibit 1150 is the deposition transcript of Yan Chen, in which the contents of Exhibits 1138-1141 as well as additional non-public business or technical information of Align was discussed. Petitioner agreed during the deposition of Ms. Chen that the deposition testimony should be treated as confidential under the default protective order. Certain portions of Petitioner's Reply and Exhibit List discuss and refer to this sensitive non-public business or technical information, as do certain portions of Patent Owner's Sur-Reply. The Board should seal Petitioner's Reply, Exhibit List, Exhibits 1138-1141, and 1150, and Patent Owner's Sur-Reply because of the significant potential for competitive harm that would come from public disclosure of the information contained in the

Reply and in these exhibits.

Public versions of the documents subject to this motion to seal will be filed, where appropriate, in due course.

IV. CONCLUSION

For the reasons set forth above, Patent Owner respectfully requests the Board grant this motion to seal.

Respectfully submitted,

Date: July 15, 2026

/ Michael T. Rosato /
Michael T. Rosato, Lead Counsel
Reg. No. 52,182

CERTIFICATE OF SERVICE

I certify that the foregoing Patent Owner's Motion to Seal was served on July 15, 2026, on the Petitioner at the following electronic service addresses:

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Date: July 15, 2026

/ Michael T. Rosato /
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