

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 10,973,613 B2)  
IPR2025-00819 (Patent 11,154,384 B2)  
IPR2025-00820 (Patent 11,648,090 B2)  
IPR2025-00821 (Patent 11,648,091 B2)<sup>1</sup>

---

Before KEVIN F. TURNER, NEIL T. POWELL, and  
CHRISTOPHER L. OGDEN, *Administrative Patent Judges*.

POWELL, *Administrative Patent Judge*.

ORDER

Granting in Part and Denying in Part Patent Owner's Motion to Seal  
*37 C.F.R. § 42.14*

---

<sup>1</sup> This Order addresses issues that are the same in all above-captioned proceedings. These cases are not joined. The parties may not use such a caption without prior authorization from the Board.

Patent Owner moves to seal “Petitioner’s Reply (Papers 39, 56<sup>2, 3</sup>), the accompanying Exhibit List (Paper 40), Exhibits 1138-1141 and 1150, and Patent Owner’s Sur-Reply [(Papers 51, 52<sup>4</sup>)].” Paper 50 (“Motion” or “Mot.”), 1. Petitioner does not oppose.

The standard for granting a motion to seal is “for good cause.” 37 C.F.R. § 42.54(a). The moving party bears the burden to show entitlement to the requested relief and to establish that the information sought to be sealed is confidential information. *Id.* § 42.20(c). The “good cause” standard for granting a motion to seal reflects the strong public policy for making all information in an inter partes review open to the public. *Argentum Pharms. LLC v. Alcon Rsch., Ltd.*, IPR2017-01053, Paper 27 at 3 (PTAB Jan. 19, 2018) (informative). The Board “encourages parties to redact sensitive information, where possible, rather than seeking to seal entire documents.” Patent Trial and Appeal Board Trial Practice Guide § I.E.6, *available at* <https://www.uspto.gov/patents/ptab/trial-practice-guide> (last updated Dec. 2025).

Patent Owner avers that the documents it seeks to seal “contain sensitive, non-public information that would significantly harm [Patent Owner’s] competitive position if made public.” Mot. 1. Patent Owner elaborates that Exhibits 1138–1141 contain confidential business or technical information related to Patent Owner’s products, which is discussed

---

<sup>2</sup> Paper 39 is a confidential version of Petitioner’s Reply, and Paper 56 is a redacted, public version of Petitioner’s Reply.

<sup>3</sup>

<sup>4</sup> Paper 51 is a confidential version of Patent Owner’s Sur-Reply, and Paper 52 is a redacted, public version of Patent Owner’s Sur-Reply.

in each of Exhibit 1150, Petitioner's Reply, Petitioner's Exhibit List, and Patent Owner's Sur-Reply. *Id.* at 3.

We are persuaded that good cause exists to seal Petitioner's Reply and Patent Owner's Sur-Reply. Petitioner has filed both a public, redacted version and a confidential version of its Reply. Papers 39, 56. And Patent Owner has filed both a public, redacted version and a confidential version of its Sur-Reply. Papers 51, 52. With respect to Petitioner's Reply and Patent Owner's Sur-Reply, Patent Owner's Motion is granted.

We note that the record currently contains no public version of the other documents Patent Owner's Motion seeks to seal. Patent Owner's Motion does not address the feasibility of filing public, redacted versions of any of those documents. Without any such explanation, we are not persuaded that good cause exists to seal those documents in their entirety. Accordingly, with respect to Petitioner's Exhibit List, and Exhibits 1138–41 and 1150, Patent Owner's Motion is denied without prejudice. The parties shall collaborate and, to the extent reasonably practicable, file public, redacted versions of Petitioner's Reply, Petitioner's Exhibit List, and Exhibits 1138–41 and 1150.

After doing so, Patent Owner may file a renewed motion to seal. To the extent it is not reasonably practicable to file public, redacted versions of one or more of Petitioner's Reply, Petitioner's Exhibit List, and Exhibits 1138–41 and 1150, Patent Owner's renewed motion to seal should explain as much.

Patent Owner's renewed motion to seal is due by August 21, 2026. In the interim, the documents Patent Owner seeks to seal shall remain provisionally sealed.

It is

ORDERED that, with respect to Petitioner's Reply and Patent Owner's Sur-Reply, Patent Owner's Motion is *granted*;

FURTHER ORDERED that, with respect to Petitioner's Exhibit List, and Exhibits 1138–41 and 1150, Patent Owner's Motion is *denied without prejudice*;

FURTHER ORDERED that the parties shall collaborate and, to the extent reasonably practicable, file public, redacted versions of Petitioner's Exhibit List, and Exhibits 1138–41 and 1150; and

FURTHER ORDERED that after the parties collaborate to file public, redacted documents, Patent Owner may file, by August 21, 2026, a renewed motion to seal;

FURTHER ORDERED that Petitioner's Reply, Petitioner's Exhibit List, and Exhibits 1138–41 and 1150 remain provisionally sealed.

IPR2025-00820  
Patent 11,648,090 B2

FOR PETITIONER:

Charles Collins-Chase  
Luke McCammon  
Melanie Magdun  
Kyle Howarth  
Jason Stach  
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP  
charles.collins-chase@finnegan.com  
luke.mccammon@finnegan.com  
melanie.magdun@finnegan.com  
kyle.howarth@finnegan.com  
jason.stach@finnegan.com

FOR PATENT OWNER:

Michael Rosato  
Matthew Argenti  
Patrick Medley  
WILSON SONSINI GOODRICH & ROSATI  
mrosato@wsgr.com  
margenti@wsgr.com  
pmedley@wsgr.com

Jessica Kaiser  
Christopher Marando  
ASHURST PERKINS COIE US LLP  
kaiser-ptab@perkinscoie.com  
marando-ptab@perkinscoie.com