

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CLEARCORRECT OPERATING, LLC,
Petitioner,

v.

ALIGN TECHNOLOGY INC.,
Patent Owner.

IPR2025-00820
Patent 11,648,090 B2

Before NEIL T. POWELL, KRISTINA M. KALAN, and
CHRISTOPHER L. OGDEN, *Administrative Patent Judges*.

POWELL, *Administrative Patent Judge*.

ORDER

Granting Patent Owner's Motion to Seal and Entering Protective Order
37 C.F.R. §§ 42.14, 42.54

Patent Owner moves to seal Exhibit 2016. Paper 26 (“Motion” or “Mot.”), 1. Additionally, Patent Owner seeks entry of the Board’s Default Protective Order. *Id.* 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).

Patent Owner explains that Exhibit 2016 is inventor Yan Chen’s declaration discussing Patent Owner’s research and development for making Invisalign® aligners from SmartTrack material. Mot. 3. Patent Owner persuades us that good cause exists for sealing Exhibit 2016.

Regarding a protective order, Patent Owner notes that Petitioner “stipulates to entry of the default protective order.” Mot. 1. Patent Owner further “certifies that the parties accept and agree to the terms of the default protective order.” *Id.* Patent Owner persuades us that entry of the Board’s Default Protective Order is warranted.

As a reminder, confidential information that is subject to a protective order ordinarily becomes public forty-five (45) days after final judgment in a trial. 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). After final judgment in a trial, a party may file a motion to expunge

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confidential information from the record prior to the information becoming public in accordance with 37 C.F.R. § 42.56.

It is

ORDERED that that Patent Owner's Motion to Seal is *granted*; and

FURTHER ORDERED that the Board's Default Protective Order is entered in this proceeding.

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