Paper No. ___
Filed: February 20, 2026

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CLEARCORRECT OPERATING, LLC,
Petitioner,

v.

ALIGN TECHNOLOGY, INC.,
Patent Owner.

IPR2025-00821
Patent No. 11,648,091

PATENT OWNER'S MOTION TO SEAL AND FOR A PROTECTIVE ORDER

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 Patent Owner's Exhibit 2016. Good cause exists to seal this document because it contains sensitive, non-public information that would significantly harm Align's competitive position if made public. Align conferred with Petitioner ClearCorrect Operating, LLC ("Petitioner") who stipulates to entry of the Board's default protective order. Accordingly, Align certifies that the parties accept and agree to the terms of the default protective order.[1]

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.

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[1] As set forth in the Office Trial Practice Guide, "[i]f the parties agree to accept the terms of the Default Protective Order, they are not required to provide a copy but must certify that they accept and agree to its terms." Office Trial Practice Guide, App'x B, §(e). Because the parties have agreed to accept the terms of the Default Protective Order, a copy is not included with this 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.
>
> * * *
>
> 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 DOCUMENT

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 Patent Owner's Exhibit 2016 because it contains sensitive non-public business or technical information relating to Align products.

Exhibits 2016 discusses sensitive technical and product development information regarding the design, development, and technical specifications of Align's products. Exhibit 2016 is a declaration by named inventor Yan Chen regarding the research and development of Align's Invisalign® aligners made from SmartTrack material. The Board should seal Patent Owner's Exhibit 2016 because of the significant potential for competitive harm that would come from public disclosure of the information contained in this exhibit.

Align will file a redacted version of Exhibit 2016 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: February 20, 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 and for a Protective Order Pursuant to 37 C.F.R. §42.54 was served on this 20th day of February 2026, on the Petitioner at the following electronic service addresses:

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Date: February 20, 2026

/ Michael T. Rosato /
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