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 RENEWED MOTION TO SEAL

I. INTRODUCTION

Pursuant to 37 C.F.R. §§42.14 and 42.54 and Paper 57, Patent Owner Align Technology, Inc. ("Align" or "Patent Owner") respectfully renews its request that the Board authorize the sealing of Petitioner's Reply Exhibit List (Paper 40), exhibits 1138-1141, and exhibit 1150, in accordance the default protective order. 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") who has stipulated to the filing under seal of these documents under the Board's default protective order. 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, and Petitioner's Reply Exhibit List.

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. Each of these exhibits should be sealed in their entirety because they are entirely confidential, and redaction would not be practical. Exhibits 1138 and 1139 are documents containing internal testing and research data that is confidential, non-public business and technical information. These exhibits should be sealed in their entirety to prevent public disclosure of this sensitive information. Exhibits 1140 and 1141 are datasheets describing the confidential and proprietary polymer composition of the layers of Patent Owner's SmartTrack product, and they should be sealed in their entirety to prevent public disclosure of this sensitive information. Irrespective of any public availability of the datasheets generally, their identification of the composition of SmartTrack and associated material properties is confidential and proprietary information. The entries for EX1140 and EX1141 in Petitioner's Reply Exhibit List revealed the

contents of exhibits 1140 and 1141, and the Exhibit List should be sealed for similar reasons. A copy of this paper has been filed with these entries redacted.

Exhibit 1150 is the deposition transcript of Yan Chen, co-inventor on the instant patent. In Ms. Chen's deposition, the contents of exhibits 1138-1141, further confidential details of Align's research and development processes, and additional confidential technical and business information were discussed. Most of the deposition questions and answers were directed to these confidential, non-public topics. Petitioner agreed during the deposition of Ms. Chen that the deposition testimony should be treated as confidential under the default protective order. A public version of EX1150 has been filed in which the portions of the deposition involving this confidential information have been redacted.

The Board should seal Petitioner's Reply Exhibit List, exhibits 1138-1141, and exhibit 1150 because of the significant potential for competitive harm that would come from public disclosure of the information contained in these documents. To counsel's knowledge, the information subject to this motion to seal has not been published or otherwise made public, and Patent Owner has made efforts to maintain the confidentiality of this information.

Petitioner has filed public versions of EX1150 and Petitioner's Reply Exhibit List, as well as documents indicating that exhibits 1138-1141 have been

redacted in their entirety. Petitioner has confirmed it does not oppose any of these redactions.

IV. **CONCLUSION**

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

Respectfully submitted,

Date: August 21, 2026

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

CERTIFICATE OF SERVICE

I certify that the foregoing Patent Owner's Renewed Motion to Seal was served on August 21, 2026, on the Petitioner at the following electronic service addresses:

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Date: August 21, 2026

/ Michael T. Rosato /
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