UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TAIWAN SEMICONDUCTOR MANUFACTURING CO. LTD.,

Petitioner

v.

ADVANCED INTEGRATED CIRCUIT PROCESS LLC,

Patent Owner

Case IPR2025-01212
Patent 7,439,623

UNOPPOSED MOTION FOR ENTRY OF PROTECTIVE ORDER

Patent Owner Advanced Integrated Circuit Process LLC ("AICP") withdraws its prior Motion for Entry of Protective Order and moves for entry of the updated Protective Order attached hereto as Attachment A, which is the result of a compromise with Petitioner. The proposed Protective Order differs from the Default Protective Order in the Board's Consolidated Trial Practice Guide (Nov. 2019)[1] in that it (i) provides a "Highly Confidential – Attorney's Eyes Only" designation affording a second, higher level of protection for more sensitive confidential information and (ii) incorporates other provisions from the Protective Order in the co-pending district court litigation (*see* EX2009) to maintain consistency between co-pending proceedings and preserve the same protections for the same information in both forums. A comparison between the proposed Protective Order and the Default Protective Order is attached hereto as Attachment B.

Counsel for AICP has conferred with counsel for Petitioner regarding this Motion, and Petitioner does not oppose entry of the Proposed Protective Order.

Dated: October 17, 2025

Respectfully submitted,

By: */ Russell A. Chorush /*
Russell A. Chorush (Reg. No. 55,869)
Attorney for Patent Owner
Advanced Integrated Circuit Process, LLC

[1] *Available at* https://www.uspto.gov/sites/default/files/documents/tpgnov.pdf?MURL=TrialPracticeGuideConsolidated.

CERTIFICATE OF SERVICE

The undersigned certifies that pursuant to 37 C.F.R. § 42.6(e), a copy of the foregoing Motion for Entry of Protective Order was served to the following counsel of record for Petitioner addressed as follows:

Lead Counsel for Petitioner	Back-up Counsel for Petitioner
Michael Houston Reg. No. 58,486 FOLEY & LARDNER LLP 321 North Clark Street, Suite 3000 Chicago, Illinois 60654 312-832-4500 mhouston@foley.com	Pavan Agarwal Reg. No. 40,888 FOLEY & LARDNER LLP 3000 K Street N.W., Suite 600 Washington, DC 20008 202-672-5300 pagarwal@foley.com Nicholas Lagerwall Reg. No. 63,272 FOLEY & LARDNER LLP 150 East Gilman Street, Suite 5000 Madison, Wisconsin 53703 608-257-5035 nlagerwall@foley.com

Dated: October 17, 2025

By: */ Russell A. Chorush /*
Russell A. Chorush (Reg. No. 55,869)
Attorney for Patent Owner
Advanced Integrated Circuit Process, LLC

ATTACHMENT A

The following Protective Order will govern the filing and treatment of confidential information in the proceeding:

Protective Order

This protective order governs the treatment and filing of confidential information, including documents and testimony.

1. Confidential information shall be clearly marked "CONFIDENTIAL – PROTECTIVE ORDER MATERIAL" or "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY."

2. Confidential information marked "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" means and applies to (i) any information, document, or thing produced in discovery which is not generally known, which a party has not made public, has significant competitive value such that unrestricted disclosure to others would create a substantial risk of significant competitive injury; (ii) any information, document, or thing produced in discovery which a party believes in good faith is significantly sensitive and protected by a right to privacy under federal or state law; (iii) data derived from such information, document or thing, including any summaries, compilations, quotes, or paraphrases; or (iv) information, including identifying information, relating to third party members/customers/dealers/vendors of a party. Access to confidential information marked "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" is limited to the following individuals who have executed the acknowledgement appended to this order:

> (A) Outside counsel. Outside counsel of record for a party in the proceeding, including employees of outside counsel of record's law firm(s) to whom it is reasonably necessary to disclose this information to assist outside counsel of record in connection with this proceeding, including members of their firms, associate attorneys, paralegal, clerical, and other regular employees of such counsel. All in-house counsel and other representatives of the parties (other than outside counsel of record) shall not be allowed to view HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY Information.
>
> (B) Experts. Retained experts of a party in the proceeding who have executed the Acknowledgement.

(C) The Office. Employees and representatives of the United States Patent and Trademark Office who have a need for access to the confidential information shall have such access without the requirement to sign an Acknowledgement. Such employees and representatives shall include the Director, members of the Board and their clerical staff, other support personnel, court reporters, and other persons acting on behalf of the Office.

(D) Support Personnel. Administrative assistants, clerical staff, court reporters and other support personnel of the foregoing persons who are reasonably necessary to assist those persons in the proceeding shall not be required to sign an Acknowledgement, but shall be informed of the terms and requirements of the Protective Order by the person they are supporting who receives confidential information.

3. Access to confidential information marked "CONFIDENTIAL – PROTECTIVE ORDER MATERIAL" is limited to the following individuals who have executed the acknowledgment appended to this order:

(A) Above Personnel. Those persons or entities identified in paragraph 2 of this Protective Order under the conditions set forth in that paragraph.

(B) Parties. Persons who are owners of a patent involved in the proceeding and other persons who are named parties to the proceeding.

(C) In-house counsel. In-house counsel of a party.

4. Employees (e.g., corporate officers), consultants, or other persons performing work for a party, other than in-house counsel and in-house counsel's support staff, who sign the Acknowledgement shall be extended access to confidential information marked "CONFIDENTIAL – PROTECTIVE ORDER MATERIAL" only upon agreement of the parties or by order of the Board upon a motion brought by the party seeking to disclose confidential information to that person. The party opposing disclosure to that person shall have the burden of proving that such person should be restricted from access to confidential information.

5. Persons receiving confidential information shall use reasonable efforts to maintain the confidentiality of the information, including:

(A) Maintaining such information in a secure location to which persons not authorized to receive the information shall not have access;

(B) Otherwise using reasonable efforts to maintain the confidentiality of the information, which efforts shall be no less rigorous than those the recipient uses to maintain the confidentiality of information not received from the disclosing party;

(C) Ensuring that support personnel of the recipient who have access to the confidential information understand and abide by the obligation to maintain the confidentiality of information received that is designated as confidential;

(D) Limiting the copying of confidential information to a reasonable number of copies needed for conduct of the proceeding and maintaining a record of the locations of such copies; and

(E) Documents, information or material produced in this proceeding, including but not limited to confidential information (i) shall be used by the Parties only in this proceeding for conducting or attempting to settle this proceeding; (ii) shall not be used for any other purpose, and (iii) shall not be disclosed to any person who is not entitled to receive such confidential information as herein provided.

6. Persons receiving confidential information shall use the following procedures to maintain the confidentiality of the information:

(A) Documents and Information Filed With the Board.

(i) A party may file documents or information with the Board along with a Motion to Seal. The Motion to Seal should provide a non-confidential description of the nature of the confidential information that is under seal, and set forth the reasons why the information is confidential and should not be made available to the public. A party may challenge the confidentiality of the information by opposing the Motion to Seal. The submission shall be treated as confidential and remain under seal, unless the Board determines that the documents or information do not to qualify for confidential treatment. The information shall remain under seal unless the Board determines that

some or all of the information does not qualify for confidential treatment.

(ii) Where confidentiality is alleged as to some but not all of the information submitted to the Board, the submitting party shall file confidential and non-confidential versions of its submission, together with a Motion to Seal the confidential version setting forth the reasons why the information redacted from the non-confidential version is confidential and should not be made available to the public. A party may challenge the confidentiality of the information by opposing the Motion to Seal. The non-confidential version of the submission shall clearly indicate the locations of information that has been redacted. The confidential version of the submission shall be filed under seal. The redacted information shall remain under seal unless the Board determines that some or all of the redacted information does not qualify for confidential treatment.

(B) Documents and Information Exchanged Among the Parties. Documents (including deposition transcripts) and other information designated as confidential that are disclosed to another party during discovery or other proceedings before the Board shall be clearly marked as "CONFIDENTIAL – PROTECTIVE ORDER MATERIAL" or "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" and shall be produced in a manner that maintains its confidentiality.

7. Within 60 days after the final disposition of this action, including the exhaustion of all appeals and motions, each party receiving confidential information must return, or certify the destruction of, all copies of the confidential information to the producing party. Notwithstanding the foregoing, outside counsel of record shall be entitled to maintain copies of all Papers (including briefs, motions, responses, replies, sur-replies, orders, decisions, and transcripts) and Exhibits (including documents, deposition transcripts, and declarations) filed in the proceeding and their attorney work product which refers or is related to any confidential information for archival purposes only. Any such archived copies that contain or constitute confidential information remain subject to this Order and shall be maintained in confidence by outside counsel of record retaining the materials.

8. Standard Acknowledgement of Protective Order. The following form may be used to acknowledge a protective order and gain access to information covered by the protective order:

EXHIBIT A

Taiwan Semiconductor Manufacturing Company Ltd., Petitioner v.

Advanced Integrated Circuit Process LLC, Patent Owner

Case IPR2025-01212

Patent 7,439,623

Standard Acknowledgment for Access to Protective Order Material

I _____, affirm that I have read the Protective Order; that I will abide by its terms; that I will use the confidential information only in connection with this proceeding and for no other purpose; that I will only allow access to support staff who are reasonably necessary to assist me in this proceeding; that prior to any disclosure to such support staff I informed or will inform them of the requirements of the Protective Order; that I am personally responsible for the requirements of the terms of the Protective Order and I agree to submit to the jurisdiction of the Office and the United States District Court for the Eastern District of Virginia for purposes of enforcing the terms of the Protective Order and providing remedies for its breach.

Executed on_____, 20__.

_____

ATTACHMENT B

The following ~~Default~~ Protective Order will govern the filing and treatment of confidential information in the proceeding:

Protective Order

This protective order governs the treatment and filing of confidential information, including documents and testimony.

1. Confidential information shall be clearly marked "CONFIDENTIAL – PROTECTIVE ORDER MATERIAL~~."~~" or "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY."

~~2. Access to confidential information is limited to the following individuals who have executed the acknowledgement appended to this order:~~

> ~~(A) Parties. Persons who are owners of a patent involved in the proceeding and other persons who are named parties to the proceeding.~~
>
> ~~(B) Party Representatives. Representatives of record for a party in the proceeding.~~

~~(C)~~ 2. Confidential information marked "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" means and applies to (i) any information, document, or thing produced in discovery which is not generally known, which a party has not made public, has significant competitive value such that unrestricted disclosure to others would create a substantial risk of significant competitive injury; (ii) any information, document, or thing produced in discovery which a party believes in good faith is significantly sensitive and protected by a right to privacy under federal or state law; (iii) data derived from such information, document or thing, including any summaries, compilations, quotes, or paraphrases; or (iv) information, including identifying information, relating to third party members/customers/dealers/vendors of a party. Access to confidential information marked "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" is limited to the following individuals who have executed the acknowledgement appended to this order:

> (A) Outside counsel. Outside counsel of record for a party in the proceeding, including employees of outside counsel of record's law firm(s) to whom it is reasonably necessary to disclose this information to assist outside counsel of

record in connection with this proceeding, including members of their firms, associate attorneys, paralegal, clerical, and other regular employees of such counsel. All in-house counsel and other representatives of the parties (other than outside counsel of record) shall not be allowed to view HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY Information.

(B) Experts. Retained experts of a party in the proceeding who ~~further certify in~~have executed the Acknowledgement ~~that they are not a competitor to any party, or a consultant for, or employed by, such a competitor with respect to the subject matter of the proceeding~~.

~~(D) In-house counsel. In-house counsel of a party.~~

~~(E) Support Personnel. Administrative assistants, clerical staff, court reporters and other support personnel of the foregoing persons who are reasonably necessary to assist those persons in the proceeding shall not be required to sign an Acknowledgement, but shall be informed of the terms and requirements of the Protective Order by the person they are supporting who receives confidential information.~~

~~(F~~(C) The Office. Employees and representatives of the United States Patent and Trademark Office who have a need for access to the confidential information shall have such access without the requirement to sign an Acknowledgement. Such employees and representatives shall include the Director, members of the Board and their clerical staff, other support personnel, court reporters, and other persons acting on behalf of the Office.

~~3~~(D) Support Personnel. Administrative assistants, clerical staff, court reporters and other support personnel of the foregoing persons who are reasonably necessary to assist those persons in the proceeding shall not be required to sign an Acknowledgement, but shall be informed of the terms and requirements of the Protective Order by the person they are supporting who receives confidential information.

3. Access to confidential information marked "CONFIDENTIAL – PROTECTIVE ORDER MATERIAL" is limited to the following individuals who have executed the acknowledgment appended to this order:

(A) Above Personnel. Those persons or entities identified in paragraph 2 of this Protective Order under the conditions set forth in that paragraph.

(B) Parties. Persons who are owners of a patent involved in the proceeding and other persons who are named parties to the proceeding.

(C) In-house counsel. In-house counsel of a party.

4. Employees (e.g., corporate officers), consultants, or other persons performing work for a party, other than ~~those persons identified above~~ in ~~(d)(2)(A) (E),~~ house counsel and in-house counsel's support staff, who sign the Acknowledgement shall be extended access to confidential information marked "CONFIDENTIAL – PROTECTIVE ORDER MATERIAL" only upon agreement of the parties or by order of the Board upon a motion brought by the party seeking to disclose confidential information to that person ~~and after signing the Acknowledgment.~~. The party opposing disclosure to that person shall have the burden of proving that such person should be restricted from access to confidential information.

45. Persons receiving confidential information shall use reasonable efforts to maintain the confidentiality of the information, including:

(A) Maintaining such information in a secure location to which persons not authorized to receive the information shall not have access;

(B) Otherwise using reasonable efforts to maintain the confidentiality of the information, which efforts shall be no less rigorous than those the recipient uses to maintain the confidentiality of information not received from the disclosing party;

(C) Ensuring that support personnel of the recipient who have access to the confidential information understand and abide by the obligation to maintain the confidentiality of information received that is designated as confidential; ~~and~~

(D) Limiting the copying of confidential information to a reasonable number of copies needed for conduct of the proceeding and maintaining a record of the locations of such copies~~.~~; and

~~5~~(E) Documents, information or material produced in this proceeding, including but not limited to confidential information (i) shall be used by the Parties only in this proceeding for conducting or attempting to settle this proceeding; (ii) shall not be used for any other purpose, and (iii) shall not be disclosed to any person who is not entitled to receive such confidential information as herein provided.

6. Persons receiving confidential information shall use the following procedures to maintain the confidentiality of the information:

(A) Documents and Information Filed With the Board.

(i) A party may file documents or information with the Board along with a Motion to Seal. The Motion to Seal should provide a non-confidential description of the nature of the confidential information that is under seal, and set forth the reasons why the information is confidential and should not be made available to the public. A party may challenge the confidentiality of the information by opposing the Motion to Seal. The submission shall be treated as confidential and remain under seal, unless the Board determines that the documents or information do not to qualify for confidential treatment. The information shall remain under seal unless the Board determines that some or all of the information does not qualify for confidential treatment.

(ii) Where confidentiality is alleged as to some but not all of the information submitted to the Board, the submitting party shall file confidential and non-confidential versions of its submission, together with a Motion to Seal the confidential version setting forth the reasons why the information redacted from the non-confidential version is confidential and should not be made available to the public. A party may challenge the confidentiality of the information by opposing the Motion to Seal. The non-confidential version of the submission shall clearly indicate the locations of information that has been redacted. The confidential version of the submission shall be filed under seal. The redacted information shall remain under seal unless the Board

determines that some or all of the redacted information does not qualify for confidential treatment.

(B) Documents and Information Exchanged Among the Parties. Documents (including deposition transcripts) and other information designated as confidential that are disclosed to another party during discovery or other proceedings before the Board shall be clearly marked as "CONFIDENTIAL – PROTECTIVE ORDER MATERIAL" or "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" and shall be produced in a manner that maintains its confidentiality.

~~6~~7. Within 60 days after the final disposition of this action, including the exhaustion of all appeals and motions, each party receiving confidential information must return, or certify the destruction of, all copies of the confidential information to the producing party. Notwithstanding the foregoing, outside counsel of record shall be entitled to maintain copies of all Papers (including briefs, motions, responses, replies, sur-replies, orders, decisions, and transcripts) and Exhibits (including documents, deposition transcripts, and declarations) filed in the proceeding and their attorney work product which refers or is related to any confidential information for archival purposes only. Any such archived copies that contain or constitute confidential information remain subject to this Order and shall be maintained in confidence by outside counsel of record retaining the materials.

~~(k)~~8. Standard Acknowledgement of Protective Order. The following form may be used to acknowledge a protective order and gain access to information covered by the protective order:

EXHIBIT A

~~[CAPTION]~~

Taiwan Semiconductor Manufacturing Company Ltd., Petitioner v.

Advanced Integrated Circuit Process LLC, Patent Owner

Case IPR2025-01212

Patent 7,439,623

Standard Acknowledgment for Access to Protective Order Material

I _____, affirm that I have read the Protective Order; that I will abide by its terms; that I will use the confidential information only in connection with this proceeding and for no other purpose; that I will only allow access to support staff who are reasonably necessary to assist me in this proceeding; that prior to any disclosure to such support staff I informed or will inform them of the requirements of the Protective Order; that I am personally responsible for the requirements of the terms of the Protective Order and I agree to submit to the jurisdiction of the Office and the United States District Court for the Eastern District of Virginia for purposes of enforcing the terms of the Protective Order and providing remedies for its breach.

Executed on_____, 20__.

_____