

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD., SAMSUNG ELECTRONICS
AMERICA, INC., FOSSIL GROUP, INC., FOSSIL STORES I, INC., FOSSIL
PARTNERS, L.P., OURA HEALTH OY, AND ONEPLUS TECHNOLOGY
(SHENZHEN) CO., LTD.,

Petitioners,

v.

OMNI MEDSCI, INC.,
Patent Owner.

U.S. Patent No. 9,651,533

Case No. IPR2025-01250

PATENT OWNER'S MOTION TO SEAL
AND TO ENTER THE DEFAULT PROTECTIVE ORDER

I. INTRODUCTION AND RELIEF REQUESTED

The materials Patent Owner seeks to seal are the same materials that the Eastern District of Texas has already ordered the Petitioners to protect. Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Patent Owner Omni MedSci, Inc. ("Patent Owner" or "Omni MedSci") respectfully requests that the Board (i) enter the Default Protective Order set forth in the Office Patent Trial Practice Guide (Consolidated Trial Practice Guide, Nov. 2019, App'x B), filed concurrently herewith as Exhibit 2119, and (ii) seal the unredacted Declaration of Mohammed N. Islam, Sc.D. (Ex. 2100, the "Islam Declaration"), filed concurrently with Patent Owner's Response, and the confidential exhibits thereto, other than those exhibits that are publicly available patents or patent-related publications, and (iii) seal the unredacted Declaration of Igor Efimov, Ph.D. (the "Efimov Declaration"), filed concurrently with Patent Owner's Response, and the confidential exhibits thereto; and (iv) seal the unredacted Patent Owner Response (collectively, the "Confidential Materials"). Patent Owner seeks to seal only the protected source materials and the specific passages of the Patent Owner Response, Islam Declaration and the Efimov Declaration that quote, cite, or characterize them. Concurrently with this Motion, Patent Owner is filing a redacted public version of the Patent Owner Response, Islam Declaration and a redacted public version of the Efimov Declaration that, in each case, preserve the declarant's qualifications, the legal framework, the conclusions reached, and generic

descriptions of the categories of evidence relied on, redacting only content protected under the district court's protective order in the related Eastern District of Texas litigation described below.

II. MOTION FOR ENTRY OF THE DEFAULT PROTECTIVE ORDER

Under 37 C.F.R. § 42.54(a), a party may file a motion to seal, “where the motion to seal contains a proposed protective order, such as the default protective order set forth in the Office Patent Trial Practice Guide.” 37 C.F.R. § 42.54(a). No protective order has previously been entered in these proceedings. Patent Owner proposes entry of the Default Protective Order set forth in the Office Patent Trial Practice Guide, without modification, filed concurrently herewith as Exhibit 2119. Because the Default Protective Order is the form expressly contemplated by the Board's rules and adequately protects the Confidential Materials, good cause exists for its entry.

III. MOTION TO SEAL

A. Legal Standard

In an inter partes review, the default rule is that all filings are publicly available. 35 U.S.C. § 326(a)(1); 37 C.F.R. § 42.14. Where a paper contains confidential information, a party may move to seal that information together with a proposed protective order. 37 C.F.R. §§ 42.54(a), 42.55. The Board grants motions to seal upon a showing of “good cause” under the four-pronged standard set forth in

Argentum Pharm. LLC v. Alcon Research, Ltd., IPR2017-01053, Paper 27 at 4 (PTAB Jan. 19, 2018) (informative) (citing to *inter alia* 37 C.F.R. § 42.54(a)).

B. Description of the Confidential Materials

The Islam Declaration (Ex. 2100) is the declaration of Dr. Mohammed N. Islam, the founder and Chief Technology Officer of Omni MedSci and the sole named inventor of each of the patents at issue in these proceedings (the “Challenged Patents”). The Declaration addresses secondary considerations of non-obviousness, including copying, long-felt need, and industry recognition of the unsolved SNR and motion-artifact problem, and quotes and characterizes a series of Dr. Islam’s 2017 emails, presentations, slide decks, and related correspondence with senior Samsung personnel concerning Omni MedSci’s patented SNR-improvement techniques. The exhibits to the Islam Declaration that Patent Owner seeks to seal consist of those private emails and attachments authored or received by Dr. Islam, bearing production numbers in the OMS_SAM003_ series (Bates range OMS_SAM0031768 through OMS_SAM0031961), specifically Exhibits 2101-2107. Patent Owner does not seek to seal exhibits to the Islam Declaration that are publicly available, including the Challenged Patents and any other issued patents, published patent applications, or other publicly available patent-office records cited in the Declaration.

The Efimov Declaration is the declaration of Dr. Igor Efimov, Patent Owner's technical expert, and addresses, among other things, the same secondary considerations subject matter. Certain paragraphs of the Efimov Declaration cite, quote, and discuss the Islam Declaration and the confidential exhibits identified above.

The Patent Owner Response similarly cites the confidential material.

The Confidential Materials are subject to the First Amended Protective Order entered in the related district court litigation, *Omni MedSci, Inc. v. Samsung Electronics Co., Ltd., et al.*, Case No. 2:24-cv-01070-JRG-RSP (E.D. Tex.) (the "EDTX Litigation"), Dkt. 155 (Mar. 24, 2026) (the "EDTX Protective Order"). The Petitioners in these proceedings are the same entities that, as Defendants in the EDTX Litigation, are already bound by the EDTX Protective Order with respect to the very materials Patent Owner seeks to seal.

C. The Four-Pronged *Argentum* Test Is Satisfied

First, the information is truly confidential. The Confidential Materials consist of Dr. Islam's private emails, presentations, slide decks, and other non-public correspondence reflecting Omni MedSci's proprietary technical and commercial information regarding its patented SNR-improvement techniques for wearable physiological sensors, as well as Omni MedSci's confidential business communications with Samsung personnel. These materials were produced under,

and remain subject to, the EDTX Protective Order, by which the Petitioners are already bound, and Omni MedSci maintains them as confidential in the ordinary course of its business. Production to the Petitioners under the EDTX Protective Order's restrictions has not waived Omni MedSci's confidentiality interest in these materials. They are not publicly available. The fact that the materials have been treated as confidential before the EDTX Court under a governing protective order further supports their confidential status.

Second, concrete harm would result from public disclosure. Public disclosure of the Confidential Materials would cause concrete competitive and economic harm to Omni MedSci. The materials reflect Omni MedSci's proprietary technical research and development, its confidential commercial outreach to senior Samsung executives and engineers, and non-public information bearing on its active licensing and enforcement strategy. Disclosure would compromise Omni MedSci's competitive position with respect to its patented technology and ongoing licensing and enforcement efforts, and would undermine the confidentiality protections to which the parties agreed in the parallel district court action.

Third, Patent Owner genuinely needs to rely on the Confidential Materials at trial. The Islam Declaration and the Efimov Declaration each quote, characterize, and substantively rely on the protected emails, presentations, and attachments to establish the substance, timing, and recipients of Dr. Islam's 2017 disclosures of

Omni MedSci's patented techniques to Samsung. Those disclosures are central to Patent Owner's secondary-considerations showing of non-obviousness in each of the five proceedings, including copying and long-felt need, which are discussed in the Patent Owner Response. Patent Owner cannot make this showing without quoting and relying on the confidential materials themselves. Patent Owner therefore has a genuine need to rely on the Confidential Materials in this trial.

Fourth, the interest in confidentiality outweighs the public interest in an open record. The relief Patent Owner requests is the narrowest sealing consistent with protecting the confidential materials. Only the confidential exhibits and the specific passages of the Patent Owner Response, Islam Declaration and the Efimov Declaration that quote or characterize the protected content are subject to this Motion; Patent Owner's analysis, conclusions, and legal framework remain on the public record. The redacted public versions preserve each declarant's qualifications, the legal framework for each secondary consideration, the conclusions reached, and generic descriptions of the categories of evidence relied on. The public will continue to have full access to the Petitions, the redacted Patent Owner Response, the redacted Islam Declaration, the redacted Efimov declaration, the remaining record, and the Board's ultimate decision. The limited sealing requested here is appropriately tailored to protect confidential business and technical information of Patent Owner.

IV. REDACTED PUBLIC VERSIONS OF THE PATENT OWNER RESPONSE, ISLAM DECLARATION AND EFIMOV DECLARATION

Concurrently with this Motion, Patent Owner is filing a redacted public version of the Islam Declaration as Exhibit 2117, a redacted public version of the Efimov Declaration as Exhibit 2118 and a redacted version of the Patent Owner Response. What remains visible in each public version includes (i) the declarant's qualifications and background, (ii) the legal framework (iii) the conclusions reached, and (iv) generic descriptions of the categories of evidence relied on. The redactions are limited to (a) verbatim quotations from the confidential materials, (b) paraphrases that would reveal the substance of those materials, and (c) the specific identities, recipients, and content of Dr. Islam's confidential communications with Samsung personnel. Specifically, portions of pages 42-43 of the Patent Owner Response, paragraphs 7, 8, 10-17, 19-21 and 31-32 of the Islam Declaration and paragraphs 147-156 and 158 of the Efimov declaration are redacted in the public version. The exhibits to the Islam Declaration and the Efimov Declaration that Patent Owner seeks to seal, which on their face consist of discrete protected communications, are not included in the public version. Of the exhibits to the Islam Declaration, seven are sealed (Exhibits 2101-2107) and the remainder are publicly filed. Exhibits that are publicly available patents, published patent applications, or other public patent-office records are filed in unredacted form on the public record

and are not subject to this Motion. Patent Owner will provide further-narrowed redactions at the Board's direction.

V. CERTIFICATIONS

Conferral. Pursuant to 37 C.F.R. § 42.54(a), counsel for Patent Owner certifies that Patent Owner has in good faith conferred or attempted to confer with counsel for Petitioners regarding the relief requested in this Motion. On May 7, 2026 counsel for Patent Owner sent a written request to counsel for Petitioners proposing to confer regarding entry of the Default Protective Order and the sealing of the Confidential Materials.

Non-Publication. The undersigned counsel for Patent Owner further certifies that the information sought to be sealed by this Motion has not been published or otherwise made public.

VI. REQUEST FOR CONFERENCE CALL WITH THE BOARD

Should the Board not be inclined to grant this Motion, Patent Owner respectfully requests a conference call with the Board to address any concerns prior to issuance of a decision on the Motion.

VII. CONCLUSION

For the foregoing reasons, the Board should enter the Default Protective Order and grant the narrowly tailored sealing requested, permitting the redacted public versions of the Patent Owner Response, Islam Declaration and the Efimov

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Declaration to serve as the public record of Patent Owner's secondary-
considerations showing.

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Respectfully submitted,

Dated: May 7, 2026

By: /s/ DRAFT

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **Patent Owner's Motion to Seal and Enter the Default Protective Order** was served on May 7, by email:

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