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.

Case IPR2025-01251
Patent No. 10,874,304

PETITIONER'S MOTION TO SEAL UNDER 37 C.F.R. §§ 42.14 AND 42.54

I. INTRODUCTION AND RELIEF REQUESTED

Pursuant to 37 C.F.R. §§ 42.14 and 42.54 and Section 1(E)(4) and Appendix B of the Trial Practice Guide, Petitioners respectfully submit this Motion to Seal in the above captioned IPR proceeding.

Petitioners respectfully request that the Board seal (i) the unredacted Petitioners' Reply; (ii) the unredacted Declaration of Brian Anthony, Ph.D. (the "Anthony Reply Declaration"); and (iii) the confidential exhibits thereto, filed concurrently with Petitioners' Reply (collectively, the "Confidential Materials"). Specifically, Petitioners seek to seal only passages of a deposition transcript quoting or discussing the materials Patent Owner moved to seal, which the Board granted on July 9, 2026 (Paper 32), and related subject matter, and the specific passages of the Petitioners' Reply and the Anthony Reply Declaration that quote or characterize these materials. Concurrently with this Motion, Petitioners are filing redacted public versions of the Petitioners' Reply, the Anthony Reply Declaration, and the confidential exhibits 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 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

Petitioners' Reply addresses arguments by Patent Owner and Patent Owner's technical expert, Dr. Igor Efimov, related to secondary considerations of non-obviousness, including copying and long-felt need. Petitioners' Reply quotes and discusses materials Patent Owner filed under seal, including presentations, slide decks, and related correspondence between Dr. Mohammed N. Islam—the named inventor of each of the patents at issue in these proceedings (the "Challenged Patents")—and personnel from various Samsung entities, including entities not involved in the above-captioned proceeding. Petitioners' Reply also quotes and characterizes deposition transcripts referencing these same materials. The exhibit to Petitioners' Reply that Petitioners seek to seal consists of the deposition transcript of Dr. Efimov, specifically Exhibit 1127, in which the sealed communications and documents are referenced and discussed. Petitioners do not seek to seal exhibits to Petitioners' Reply that are publicly available, including the publicly available docket

entries to a district court proceeding and public Samsung entity employee profiles cited in Petitioners' Reply.

The Anthony Reply Declaration (Exhibit 1124) is the declaration of Dr. Brian Anthony, Petitioners' technical expert, and quotes and discusses the same confidential evidence.

The materials discussed in 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 Patent Owner and Petitioners in these proceedings are the same entities that, as Plaintiff and Defendants in the EDTX Litigation, are already bound by the EDTX Protective Order with respect to the materials discussed in the Confidential Materials Petitioners seek to seal. Further, the Confidential Materials Petitioners seek to seal quote and discuss the materials Patent Owner sealed in its earlier motion to seal (Paper 27) and are subject to the same Protective Order which Patent Owner proposed and the Board entered on July 9, 2026. Paper 32; Ex. 2119.

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

First, the information is truly confidential according to Patent Owner. The Confidential Materials reference and discuss correspondence and documents shared between Dr. Islam and personnel from various Samsung entities not involved in

these proceedings. Patent Owner asserted that these materials reflect proprietary information and confidential business communications (Paper 27 at 4-5) and have already sealed them under the protective order in this proceeding. Paper 32; Ex. 2119. Additionally, as Patent Owner further noted in its motion to seal, the correspondence and documents discussed in the Confidential Materials were produced under, and remain subject to, the EDTX Protective Order, by which Patent Owner and the Petitions are already bound and are not publicly available. The fact that the materials discussed in Petitioners' Reply, the Anthony Reply Declaration, and the deposition transcript, have been treated as confidential before the EDTX Court under a governing protective order and have been sealed in this proceeding following Patent Owner's motion to seal (Paper 27) further supports their confidential status.

Second, concrete harm would result from public disclosure according to Patent Owner. Patent Owner represented in its motion to seal that public disclosure of the Confidential Materials would cause concrete competitive and economic harm to Patent Owner. Paper 27 at 5. According to Patent Owner, the materials discussed in the Confidential Materials reflect its proprietary information and confidential business communications, and would undermine the confidentiality protections to which the parties agreed in the parallel district court action. *Id.*

Third, Petitioners genuinely need to rely on the Confidential Materials at trial.

Petitioners' Reply, the Anthony Reply Declaration, and the deposition transcript quote, characterize, and substantively rely on the Patent Owner's sealed materials to address Patent Owner's secondary-considerations arguments related to copying and long-felt need. Patent Owner used these materials in making their arguments (Paper 27 at 5-6) and Petitioners cannot address Patent Owner's arguments without also quoting and relying on these sealed materials. Petitioners therefore have a genuine need to rely on the Confidential Materials at trial.

Fourth, the interest in confidentiality outweighs the public interest in an open record. The relief Petitioners request is the narrowest sealing consistent with protecting the confidential materials. Only the specific passages of Petitioners' Reply, the Anthony Reply Declaration, and the deposition transcript that quote or characterize the protected content are subject to this Motion; Petitioners' 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 Petitioners' Reply, the redacted Anthony Reply Declaration, the redacted deposition transcript, the remaining record, and the Board's ultimate decision. The limited sealing requested here is appropriately tailored to protect confidential business and technical information, as Patent Owner characterizes them.

III. REDACTED PUBLIC VERSIONS OF THE PETITIONERS' REPLY AND ANTHONY REPLY DECLARATION

Concurrently with this Motion, Petitioners are filing a redacted public version of the Anthony Reply Declaration as Exhibit 1138, a redacted public version of the transcript of Dr. Efimov's deposition as Exhibit 1139, and a redacted public version of the Petitioners' Reply. What remains visible in each public version includes (i) the declarant's qualifications and background, (ii) the legal framework (iii) the conclusions reached, (iv) generic descriptions of the categories of evidence relied on and (v) the Petitioners' Reply's analysis of the prior art grounds. 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. Specifically, portions of pages 22-26 of the Petitioners' Reply, portions of paragraphs 65-66 and 69-71 of the Anthony Reply Declaration, and lines 1:13, 57:22-58:1, 61:11-12, 100:7-12, 101:2-3, 102:12-103:3, 104:12-16, 104:22-105:7, 107:18-108:2,110:15-18, 112:6-113:8, 113:10, 144:12-16, 114:21-115:8, 115:10-14, 115:22-116:6, 116:9-10, 116:12-16, 117:4-13, 117:18-20, 117:22-118:4, 118:6-22, 119:2-12, 119:22-120:3, 120:6-8, 120:10-15, 120:17-121:4, 121:10-22, 122:2, 122:11-12, 122:14, 122:16, 122:20-22, 123:9-124:4, 124:10-125:3, 125:8-16, 126:2-4, 126:7-19, 127:3-5, 127:16-18, 127:22-128:2, 128:7-8, 128:13-14, 128:16-18, 129:6-18, 129:20-21, 130:2-8, 130:12-14, 130:16-131:5, 131:18-21, 132:2-3, 132:6-13, 132:15-16,

132:19-20, 133:1-3, 133:5-8, 133:14-15, 133:18-134:6, 134:8-12, 134:17-19, 135:2-4, 135:10-15, 135:17-18, 135:20-136:5, 136:9-10, 136:13-17, 136:19-137:4, 137:6-7, 137:10-14, 137:16-138:5, 138:10-17, and 139:2-7 of the transcript of Dr. Efimov's deposition are redacted in the public version. Of the exhibits to Petitioners' Reply and the Anthony Reply Declaration, only one is sealed (Exhibit 1127, filed publicly with redactions as Exhibit 1139) and the others are publicly filed. Exhibits that are publicly available, including docket entries to a district court proceeding and public Samsung entity employee profiles, are filed in unredacted form on the public record and are not subject to this Motion. Petitioners will provide further-narrowed redactions at the Board's direction.

IV. CERTIFICATIONS

Conferral. Pursuant to 37 C.F.R. § 42.54(a), counsel for Petitioners certify that Petitioners have in good faith conferred or attempted to confer with counsel for Patent Owner regarding the relief requested in this Motion. On July 28, 2026 counsel for Petitioners sent a written request to counsel for Patent Owners notifying Patent Owner of Petitioners' intent to file a motion to seal, describing the Confidential Materials to be sealed, and proposing to confer regarding the sealing of the Confidential Materials. On July 29, 2026, counsel for Patent Owner notified counsel for Petitioners that Patent Owner does not oppose Petitioners' motion to seal.

Non-Publication. The undersigned counsel for Petitioners further certifies

that the information sought to be sealed by this Motion has not been published or otherwise made public.

V. REQUEST FOR CONFERENCE CALL WITH THE BOARD

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

VI. CONCLUSION

For the foregoing reasons, Petitioners respectfully request that the Board grant the narrowly tailored sealing requested, permitting the redacted public versions of the Petitioners' Reply, the Anthony Reply Declaration, and the confidential exhibits thereto to serve as the public record of Petitioners' secondary-considerations showing.

Respectfully submitted,

Dated: July 30, 2026

By: /*James L. Davis, Jr.*/
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Registration No. 57,325
Counsel for Petitioners Samsung Electronics Co. Ltd. and Samsung Electronics America Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing PETITIONER'S MOTION TO SEAL UNDER 37 C.F.R. §§ 42.14 and 42.54 was served via electronic mail to the following attorneys of record listed below:

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Dated: July 30, 2026

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