Trials@uspto.gov
571-272-7822

Paper 33
Date: June 1, 2026

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., Petitioner,

v.

OMNI MEDSCI, INC.,
Patent Owner.

IPR2025-01252 (Patent 11,160,455 B2)
IPR2025-01254 (Patent 12,268,475 B2)[1]

Before LINDA E. HORNER, SCOTT C. MOORE, RUSSELL E. CASS, and BRIAN P. MURPHY, *Administrative Patent Judges*.[2]

MURPHY, *Administrative Patent Judge*.

ORDER
Granting Patent Owner's Motion to Seal
Entry of Default Protective Order
37 C.F.R. § 42.54

[1] This Order addresses the same Motion filed in the above-identified proceedings. Therefore, we exercise our discretion to issue one order in each proceeding. The parties are not authorized to use this caption style.
[2] This is not an expanded panel decision. A three-judge panel presides over each proceeding.

I. INTRODUCTION

On February 3, 2026, the Director instituted *inter partes* review of U.S. Patent Nos. 11,160,455 B2 ("the '455 patent") and 12,268,475 B2 ("the '475 patent"). Paper 17.[3] On May 7, 2026, Patent Owner Omni MedSci, Inc. ("Patent Owner") filed a Motion to Seal in conjunction with its Response in both proceedings. Paper 25 ("Motion" or "Mot."). Patent Owner's Motion seeks to seal: (i) the unredacted Response (Paper 26 "Resp."), (ii) the unredacted Declaration of Mohammed N. Islam, Sc.D. (Exhibit 2100 or "Dr. Islam's Declaration") and certain exhibits referenced therein (Exs. 2101–2107), and (iii) the unredacted corrected Declaration of Igor Efimov, Ph.D. (Exhibit 2043 or "Dr. Efimov's Declaration"), which references Dr. Islam's Declaration testimony and Exhibits 2101–2107 (Ex. 2043 ¶¶ 370–387). Mot. 1–4. Patent Owner also seeks entry of the Board's Default Protective Order. *Id.* at 1–2.

On May 20, 2026, 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. (collectively, "Petitioner") filed a Notice of Non-Opposition to Patent Owner's Motion. Paper 28. Petitioner represents that it "do[es] not oppose Patent Owner's May 7, 2026 Motion to Seal and to Enter the Default Protective Order (Paper No. 25) in the above-captioned *Inter Partes* Review." *Id.* at 2. Petitioner caveats that, although it does not agree with "Patent Owner's characterizations of the material sought to be sealed or the material's purported relevance to this proceeding," it does not oppose sealing the identified documents or entry of the Default Protective Order. *Id.*

[3] We cite the papers and exhibits in IPR2025-01252.

The Board may, for good cause, issue an order to protect a party or person from disclosing confidential information. 37 C.F.R. § 42.54(a). Such protection includes entry of "an order to protect a party or person from disclosing confidential information, including . . . the following: . . . (7) Requiring that a trade secret or other confidential research, development, or commercial information not be revealed or be revealed only in a specified way." *Id.* A protective order is not entered by default; it must be proposed by one or more parties and must be approved and entered by the Board. Patent Trial and Appeal Board Consolidated Trial Practice Guide 19–20, 107 (Nov. 2019), *available at* http://www.uspto.gov/TrialPracticeGuideConsolidated ("Trial Practice Guide"). The Trial Practice Guide sets forth specific guidelines on proposing a protective order and provides a Default Protective Order. *See* Trial Practice Guide 19–20, 107–22. The Trial Practice Guide further instructs that "the submitting party shall file confidential and non-confidential versions of its submission" with a Motion to Seal explaining "why the information redacted from the non-confidential version is confidential." *Id.* at 111.

For the reasons given below, we determine Patent Owner has established good cause to seal confidential information in the Response (Paper 26), Dr. Islam's Declaration (Ex. 2100), Dr. Efimov's Declaration (Ex. 2043), and the emails and presentations of Exhibits 2101–2107. We also find the public redacted versions of the Response (Paper 27), Dr. Islam's Declaration (Ex. 2117), and Dr. Efimov's Declaration (Ex. 2118) to be compliant with our rules. We further find good cause to enter the Board's Default Protective Order filed as Exhibit 2119. Petitioner has voiced no objections. Paper 28.

II. DISCUSSION

Dr. Islam is the sole inventor listed on the ’455 and ’475 patents. Ex. 1001 (code 72). Patent Owner’s Response relies on Dr. Islam’s Declaration testimony in support of asserted secondary considerations of non-obviousness of the patents, particularly allegations of copying. Resp. 66–68 (citing Ex. 2100 ¶¶ 7–21). Pages 67–68 of the Response discuss paragraphs 7–21 in Dr. Islam’s Declaration testimony and Exhibits 2102–2103 and 2106–2107 in detail. *Id.* We have reviewed Dr. Islam’s Declaration testimony and Exhibits 2101–2107. We find that paragraphs 7–21, 31, and 32 of Dr. Islam’s Declaration testimony and Exhibits 2101–2107 contain confidential business communications and information that reflect “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.” Mot. 3–4 (citing *Argentum Pharm. LLC v. Alcon Research, Ltd.*, IPR2017-01053, Paper 27, 4 (PTAB Jan. 19, 2018) (informative).

For example, Exhibit 2101 is a non-public email chain between Dr. Islam and Samsung personnel regarding Omni MedSci’s SNR-improvement techniques for wearable physiological sensors. Exhibits 2102, 2104–2105, and 2107 are additional non-public email chains between Dr. Islam and Samsung personnel that contain technical information on the same subject. Exhibits 2103 and 2106 are presentation slides marked as “OMNI MedSci-Proprietary Information” relating to the same subject.

The confidentiality of the identified information is underscored by Patent Owner’s unrebutted representation that the same 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')." Mot. 4.[4] Patent Owner also represents that "[t]hese 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." *Id.* at 4–5. Patent Owner further represents that it "has not waived Omni MedSci's confidentiality interest in these materials," and the materials "are not publicly available." *Id.* at 5. Petitioner has not objected or responded to any of Patent Owner's quoted representations. Paper 28. Therefore, we find Patent Owner has established that the cited materials are "truly confidential" in accordance with the *Argentum* test. *Id.* at 4.

Having reviewed the confidential materials, we further agree with Patent owner that "concrete harm would result from public disclosure" and Patent Owner has a need to rely on the confidential materials in order to support Patent Owner's secondary consideration argument that alleges copying. *Id.* at 5–6. Finally, Patent Owner's redactions in the publicly available versions of the Response (Paper 27), Dr. Islam's Declaration (Ex. 2117), and Dr. Efimov's Declaration (Ex. 2118) are narrowly tailored to protect confidential information. For example, only pages 67 and 68 of the Response have been redacted because those two pages cite and quote testimony from paragraphs 7–21 of Dr. Islam's Declaration, which contains proprietary business and technical information reflected in Exhibits 2101–2107.[5] Accordingly, we find Patent Owner's redactions are consistent with preserving

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[4] A copy of the EDTX Protective Order has not been filed in these proceedings.
[5] Paragraphs 1–6, 9, 18, 22–30, and 33–34 of Dr. Islam's Declaration have not been redacted and do not appear to contain confidential information or cite Exhibits 2101–2107. Paragraphs 31–32 *do* contain confidential information from Exhibits 2102, 2103, and 2106, and that confidential information has been appropriately redacted from the public version of Dr. Islam's Declaration. Ex. 2117.

"the strong public interest in having an open record." *Argentum*, Paper 27 at 4 (citing 37 C.F.R. § 42.54(a)).

For the reasons given above, we determine Patent Owner has established good cause for entry of the default Protective Order to protect the identified confidential information.[6]

III. ORDER

In consideration of the foregoing, it is hereby

ORDERED that the Board's Default Protective Order filed as Exhibit 2119 is entered and shall govern the treatment and filing of confidential information in each of these proceedings;

FURTHER ORDERED that Patent Owner's motion to seal the unredacted Response (Paper 26), the unredacted Declaration of Mohammed N. Islam, Sc.D. (Exhibit 2100), and the unredacted corrected Declaration of Igor Efimov, Ph.D. (Exhibit 2043), is *granted*; and

FURTHER ORDERED that Patent Owner's motion to seal Exhibits 2101–2107 is *granted*.

[6] The Parties are reminded that confidential information subject to a protective order will become public 45 days after final judgment in a trial, although a party seeking to maintain confidentiality "may file a motion to expunge the information from the record prior to the information becoming public." Trial Practice Guide, 22 (citing 37 C.F.R. § 42.56).

FOR PETITIONER:

James Davis
Hyun-Joong Kim
Fan Zhang
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
jdavis@sheppardmullin.com
hykim@sheppardmullin.com
frances.zhang@ropesgray.com

Jasjit S. Vidwan
Robert G. Pluta
MAYER BROWN LLP
JVidwan@mayerbrown.com
RPluta@mayerbrown.com

Jared A. Smith
Ricardo J. Bonilla
FISH & RICHARDSON P.C.
jasmith@fr.com
rbonilla@fr.com

Jack Shaw
CHERRY JOHNSON SIEGMUND JAMES PC
jshaw@cjsjlaw.com

Fan Zhang
ROPES & GRAY LLP
frances.zhang@ropesgray.com

FOR PATENT OWNER:

Jennifer Hayes
Daniel S. Stringfield
Timothy Maloney
Angelo J. Christopher
Benjamin R. Holt
Daniel Georgiev
NIXON PEABODY LLP
jenhayes@nixonpeabody.com

dstringfield@nixonpeabody.com
tmaloney@nixonpeabody.com
achristopher@nixonpeabody.com
bholt@nixonpeabody.com
dgeorgiev@nixonpeabody.com