

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TAIWAN SEMICONDUCTOR MANUFACTURING COMPANY LTD.,
Petitioner,

v.

ADVANCED INTEGRATED CIRCUIT PROCESS LLC,
Patent Owner.

IPR2025-01302
U.S. Patent 8,884,373

**PETITIONER'S UNOPPOSED MOTION TO SEAL
PURSUANT TO 37 C.F.R. §§42.14 and 42.54**

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. §§42.14 and 42.54 and pursuant to the proposed procedures in Paper 10 (Unopposed Motion for Protective Order), Attachment A, ¶6(a), Petitioner Taiwan Semiconductor Manufacturing Company Ltd. (“TSMC”) respectfully submits this Motion to Seal. Patent Owner (“PO”) moved for entry of a Protective Order (Paper-10) and to Seal Exhibit EX2026 (Paper-8). Petitioner did not oppose Patent Owner’s motions.

First, Petitioner respectfully requests that the Board grant this Motion to Seal Exhibit TSMC-1024, Excerpt from TSMC Invalidity Contentions in Civil Action No. 2:25-cv-324 (E.D. Tex.) (Sept. 24, 2025) which contains highly confidential material and has been designated as “Highly Confidential – Attorney’s Eyes Only.”

Second, Petitioner respectfully requests that the Board grant this Motion to Seal Exhibit TSMC-1064, PO’s Response and Objections to Petitioner’s First Request for Production of Documents, which PO has designated as “Highly Confidential – Attorney’s Eyes Only.”

Third, Petitioner respectfully requests that the Board grant this Motion to Seal Petitioner’s Opposition to PO’s Discretionary Denial Request which describes and refers to EX2026, TSMC-1024, and TSMC-1064.

Counsel for TSMC informed Counsel for PO this afternoon of its intent to file this Motion. Counsel for PO indicated that PO does not oppose this Motion.

II. GOOD CAUSE EXISTS FOR SEALING

In determining whether to grant a Motion to Seal, the Board must find “good cause” to seal the information in question and “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.” 37 C.F.R. §42.54(a); Consolidated Trial Practice Guide November 2019 at 19. This “good cause” standard “reflects the strong public policy for making all information in an inter partes review open to the public.” *Argentum Pharmaceuticals LLC v. Alcon Research, Ltd.*, IPR2017-01053, Paper-27, 3 (Jan. 19, 2018) (informative). To establish “good cause” for sealing, the movant must establish:

- (1) the information sought to be sealed is truly confidential;
- (2) a concrete harm to the party to whom the information is confidential upon public disclosure of that information;
- (3) there exists a genuine need by the party submitting the information sought to be sealed to rely, at trial, on the specific information sought to be sealed; and
- (4) on balance, the interests in maintaining confidentiality outweighs the strong public interest in having an open record.

Id. at 4. As described in the *Consolidated Trial Practice Guide*, the Board identifies 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.” Consolidated Trial Practice Guide November 2019 at 19.

Good cause exists for sealing TSMC-1024, TSMC-1064, and the unredacted version of Petitioner’s Opposition to PO’s Discretionary Denial Request.

A. Exhibit TSMC-1024

Exhibit TSMC-1024 consists of excerpts from TSMC’s Invalidity Contentions in Civil Action No. 2:25-cv-324 (E.D. Tex.) (Sept. 24, 2025). TSMC’s Invalidity Contentions have been marked as Highly Confidential – Attorney’s Eyes Only under the District Court protective order (EX2009) which was used as a model for the protective order in the present IPR proceeding. TSMC-1024 contains highly confidential, non-public information regarding TSMC’s accused products (*see* TSMC-1024, 28, 32). Because the entire document remains subject to the District Court protective order, no public version of this exhibit has been filed.

TSMC would be significantly harmed by disclosure of TSMC-1024 insofar as competitors would be able to access sensitive technical details regarding TSMC’s products.

TSMC relies on TSMC-1024 in support of its arguments regarding settled expectations, to show a product predates the alleged priority date of the ’373 patent.

TSMC's interest in protecting this highly confidential information and the harm to TSMC if TSMC-1024 were disclosed outweigh the Public's interest in having an open record.

B. Exhibit TSMC-1064

Exhibit TSMC-1064 is Patent Owner's Response and Objections to Petitioner's First Request for Production of Documents, which Patent Owner has marked as Highly Confidential – Attorney's Eyes Only pursuant to the proposed Protective Order (*see* Paper-10). Because the entire document has been designated Highly Confidential – Attorney's Eyes Only, Petitioner does not anticipate filing a public version of this exhibit.

TSMC relies on TSMC-1064 to support its argument regarding lack of evidence of commercialization, assertion, licensing, or marking in TSMC's technology space.

TSMC has an interest in protecting this information which was marked as highly confidential by PO under the proposed Protective Order.

C. Petitioner's Opposition to PO's Discretionary Denial Request

Petitioner's Opposition to Patent Owner's Discretionary Denial Request ("Opposition") contains information from Exhibits TSMC-1064, EX2026, and TSMC-1024, each marked as Highly Confidential–Attorney's Eyes Only. To serve

the Public's interest, Petitioner will negotiate with PO to develop a redacted public version of Petitioner's Opposition, which will be subsequently filed.

* * *

Accordingly, good cause exists for sealing Exhibits TSMC-1024 and TSMC-1064, as well as Petitioner's Opposition.

III. PROPOSED PROTECTIVE ORDER

PO previously requested entry of a proposed Protective Order and sought to designate its EX2026 in its entirety as "Highly Confidential—Attorney's Eyes Only." As discussed above, Petitioner designates TSMC-1024, TSMC-1064, and the unredacted version of Petitioner's Opposition as "Highly Confidential—Attorney's Eyes Only."

Date: October 28, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies, in accordance with 37 C.F.R. § 42.6(e), that the foregoing **Petitioner's Motion to Seal** was served on October 28, 2025, via e-mail directed to counsel of record for Patent Owner at the following:

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Patent Owner has consented to electronic service via email.

Date: October 28, 2025

Respectfully submitted,

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