UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TOP GLORY TRADING GROUP INC. and

DP DREAM PAIRS,

Petitioners,

v.

COLE HAAN LLC,

Patent Owner.

_____

Case No. IPR2025-01394
Patent No. 11,041,262

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PETITIONERS' MOTION TO SEAL AND REQUEST FOR *IN CAMERA* REVIEW UNDER 37 C.F.R. § 42.14 OF PETITIONERS' SEARCH DISCLOSURE DECLARATION

(INCLUDING SDD PROTECTIVE ORDER)

MOTION TO SEAL

Top Glory Trading Group Inc. and DP Dream Pairs Inc. ("Petitioners") hereby move for entry of the protective order appended as Exhibit A ("Protective Order") and further move to seal Exhibit 1055—Petitioners' Search Disclosure Declaration ("SDD"), which reveals confidential attorney work-product—in accordance with the Director's Memorandum dated November 17, 2025 ("Director's Memo"). Petitioners further request that the Board review Exhibit 1055 *in camera*. This motion and Exhibit 1055 are being submitted timely before the deadline of November 26, 2025 set forth in the Director's Memo. *See* Director's Memo at 2 ("Where an IPR or PGR petition has already been filed, a petitioner may file an SDD within seven business days of this memorandum.").

I. MOTION TO SEAL

Petitioners move to seal Exhibit 1055, which Petitioners have designated as "**CONFIDENTIAL**" and limit access to the Filing Party and Board only. *See* Exhibit A. Exhibit 1055 contains attorney work-product, including an exhaustive list of prior art search strategies regarding the '262 patent.

II. LEGAL STANDARD

Under 35 U.S.C. § 316(a)(1) and 37 C.F.R. § 42.14, the default rule is that all papers filed in post-grant proceedings are open and available to the public. A party, however, may file a concurrent motion to seal certain protected information pending

the outcome of the motion. Only "confidential information" is protected from disclosure. 35 U.S.C. § 316(a)(7). In that regard, the Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,760 (Aug. 14, 2012) provides:

> The rules aim to 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.
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> *Confidential Information*: The rules identify 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. § 42.54.

The standard for granting a motion to seal is "good cause." 37 C.F.R. § 42.54(a).

III. GOOD CAUSE EXISTS FOR SEALING THE IDENTIFIED EXHIBIT

Petitioners respectfully submit that good cause has been shown for sealing of the identified exhibit. The information sought to be sealed in Exhibit 1055 contains attorney work-product. The public policy in favor of making post-grant review proceedings available should not apply with respect to Exhibit 1055 because irreparable harm would result to Petitioners if this information were to be disclosed to the public, opposing counsel, or Patent Owner.

IV. MOTION FOR ENTRY OF A PROTECTIVE ORDER

Pursuant to 37 CFR § 42.54(a), a motion to seal must be accompanied by a proposed protective order and a certification that the parties have met and conferred

regarding the issue. Petitioners certify that they raised this motion to seal with Patent Owner's counsel via email on November 25, 2025 and November 26, 2025. Patent Owner's counsel does not oppose Petitioners' motion to seal but reserves all rights with respect to Petitioners' disclosure of the work product. The Board has authorized Petitioners to file this motion to seal along with a protective order. *See, e.g.*, Director's Memo at 2 ("A petitioner may file its SDD . . . with a motion to seal"). Petitioners respectfully request entry of the Protective Order, which reflects the requirements set forth in the Director's Memo. *Id.* ("Any proposed protective order must indicate that the Office may use the information in a SDD for internal training, improving examination processes, and analytics."). The Protective Order also permits access to the SDD by employees and representatives of the Office, including the Director, members of the Board and their clerical staff, other support personnel, court reporters, and other persons acting on behalf of the Office who have a need for access to the confidential SDD materials, without any requirement that they sign any acknowledgement. Petitioners request that the Protective Order govern Exhibit 1055 in this proceeding. Petitioners certify that they will comply with the provisions of this Protective Order.

V. CONCLUSION

For the foregoing reasons, Petitioners respectfully request that the Board grant this motion to seal and entry of the Protective Order submitted herewith.

Dated: November 26, 2025

By: */James L. Davis, Jr./*
Name: James L. Davis, Jr.
Registration No. 57,325
Lead Counsel for Petitioners

CERTIFICATE OF SERVICE

In accordance with 37 CFR § 42.6(e), the undersigned certifies that on November 26, 2025, a complete and entire copy of this Motion and all supporting exhibits were served to the following attorneys of record for the Patent Owner listed below:

Lead Counsel	Backup Counsel
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Dated: November 26, 2025

By: */James L. Davis, Jr./*
Name: James L. Davis, Jr.
Registration No. 57,325
Lead Counsel for Petitioners

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for Petitioners conferred with the above-listed attorneys of record for the Patent Owner on November 25, 2025 and November 26, 2025.

Dated: November 26, 2025

By: */James L. Davis, Jr./*
Name: James L. Davis, Jr.
Registration No. 57,325
Lead Counsel for Petitioners

EXHIBIT A

PROTECTIVE ORDER

This Search Disclosure Declaration ("SDD") Protective Order, which is a modified version of the standing protective order, allows for the filing of SDDs *in camera* pursuant to Director John Squires' November 17, 2025 Memorandum on Voluntary SDDs ("Memorandum"), and governs the treatment and filing of confidential information filed as voluntary SDDs.

1. Confidential SDD materials shall be clearly marked ''**CONFIDENTIAL**.''

2. Access to Confidential SDD materials is limited to:

    a. The party and counsel filing the confidential SDD materials.

    b. Employees and representatives of the Office who have a need for access to the Confidential SDD materials. 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. 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.

4. In accordance with the Director's Memorandum, the Office is permitted to use the information in any accompanying SDD for internal training, improving examination processes, and analytics.