

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO. LTD,
Petitioner,

v.

NETLIST, INC.,
Patent Owner.

IPR2025-01431 (Patent 10,025,731 B1)
PGR2025-00071 (Patent 12,308,087 B2)¹

Before GEORGIANNA W. BRADEN, JON M. JURGOVAN,
KARA L. SZPONDOWSKI, and JASON M. REPKO²,
Administrative Patent Judges.

JURGOVAN, *Administrative Patent Judge.*

ORDER
Granting Patent Owner's Motions to Seal
37 C.F.R. §§ 42.14, 42.54

¹ We issue one Order to be entered in each proceeding. The combined caption is for administrative convenience only and does not indicate a joined case or an expanded panel.

² Judges Braden, Jurgovan, and Repko are the panel for IPR2025-01431. Judges Braden, Jurgovan, and Szpondowski are the panel for PGR2025-00071.

On June 3, 2026, Patent Owner Netlist, Inc. (“Patent Owner”) filed Patent Owner’s Motion to Seal in each of the above-listed proceedings, which included a Modified Protective Order attached as Appendix A. IPR2025-01431, Paper 33; PGR2025-00071, Paper 33. On June 24, 2026, with authorization from the Board, Patent Owner filed Patent Owner’s Corrected Motion to Seal in each of the above-listed proceedings, which “includes additional revisions to the proposed Modified Protective Order, in accordance with the parties’ agreement.” IPR2025-01431, Paper 37, n.1; PGR2025-00071, Paper 36, n.1 (collectively “Motions”). The Motions seek entry of the Modified Protective Order and sealing of portions of Patent Owner’s Response as well as portions of Exhibit 2061, and sealing of Exhibits 2080, 2081, 2093, and 2094 in their entirety. Motions 1. Patent Owner filed Exhibits 2080, 2081, 2093, 2094 and an unredacted version of its Response (Paper 31) as “Parties and Board Only” in the Patent Trial and Appeal Case Tracking System (P-TACTS), and filed a redacted version of the Response (Paper 32) and a redacted version of Exhibit 2061 as “Public” in each of the above-listed proceedings.³

Patent Owner indicates that the parties have conferred and Petitioner does not oppose the Motions and has agreed to accept the terms of the Modified Protective Order. Motions 2. As discussed below, we grant Patent Owner’s Motions.

A party may move to seal confidential information including, *inter alia*, sensitive commercial information. 37 C.F.R. § 42.54. It is the

³ The Paper number for the Response (both redacted and unredacted) and for the Exhibits are the same in each proceeding.

movant's burden to show good cause for sealing such information, and we balance the party's asserted need for confidentiality with the strong public interest in open proceedings. *Argentum Pharms. LLC v. Alcon Research, Ltd.*, IPR2017-01053, Paper 27 at 4 (PTAB Jan. 19, 2018) (informative).

Patent Owner provides a sufficient explanation for sealing the Exhibits and the relevant portions of Patent Owner's Response in the above-listed proceedings. The Exhibits contain confidential business information, and the portions of Patent Owner's Response that cite to and quote from the Exhibits similarly contain confidential business information. *See generally* Paper 31.

After reviewing the record, we are persuaded that good cause exists for sealing the Exhibits and portions of Patent Owner's Response in the above-listed proceedings. Our review of the sealed versions of Patent Owner's Response in each of the above-listed proceedings persuades us that Patent Owner appropriately has limited the redactions in the public version to portions that reflect Patent Owner's asserted confidential information. *Compare* Paper 32 (reflecting redacted material), with Paper 31 (redactions). We grant Patent Owner's Motions and enter the Modified Protective Order in the above-listed proceedings.

We remind the parties that confidential information that is subject to a protective order ordinarily becomes public forty-five (45) days after final judgment in a trial. *See* the Patent Trial and Appeal Board's Consolidated Trial Practice Guide⁴ (84 Fed. Reg. 64,280 (Nov. 21, 2019)), 21–22. There is an expectation that information will be made public when the existence of

⁴ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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the information is identified in a final written decision following a trial. *Id.* After final judgment in a trial, a party may file a motion to expunge confidential information from the record prior to the information becoming public in accordance with 37 C.F.R. § 42.56.

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Corrected Motions to Seal (IPR2025-01431, Paper 36; PGR2025-00071, Paper 37) are *granted*;

FURTHER ORDERED that the confidential versions of Patent Owner's Response in each of the above-listed proceedings, and Exhibits 2061, 2080, 2081, 2093, and 2094 shall remain sealed and designated as "Board and Parties Only" until further notice; and

FURTHER ORDERED that Patent Owner's request for entry of the Modified Protective Order is *granted*.

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