

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Hisense USA Corp.,
Petitioner,

v.

Light Guide Innovations LLC,
Patent Owner

Case: IPR2025-01526
U.S. Patent No. 8,408,778

**MOTION TO SEAL AND REQUEST FOR ENTRY OF DEFAULT
PROTECTIVE ORDER**

Petitioner Hisense USA Corp. ("Petitioner") respectfully submits this Motion to Seal and entry of the PTAB's default protective order.

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, and for the reason set forth below, Petitioner Hisense USA Corp. requests Exhibit 1100 be placed under seal and subject to protective order.

II. GOOD CAUSE FOR RELIEF REQUESTED

Although "the default rule is that all papers filed in an *inter partes* review are open and available for access by the public," a party may file a motion with the Board to seal confidential information that is protected from disclosure. *Garmin v. Cuozzo*, IPR2012-00001, Paper No. 34 (PTAB March 14, 2013). "The standard for granting a motion to seal is 'for good cause.'" *Id.* (quoting 37 C.F.R. § 42.54). *See also* the Patent Trial and Appeal Board Consolidated Trial Practice Guide of November 2019 ("TPG") at 20 ("protective orders may be issued for good cause by the Board to protect a party from disclosing confidential information. 37 C.F.R. § 42.54"). "[A] movant to seal must demonstrate adequately that (1) the information sought to be sealed is truly confidential, (2) a concrete harm would result upon public disclosure, (3) there exists a genuine need to rely in the trial on the specific information sought to be sealed, and (4), on balance, an interest in maintaining confidentiality outweighs the strong public interest in having an open record."

Argentum Pharms. LLC v. Alcon Research, Ltd., IPR2017-01053, Paper 27 at 4 (P.T.A.B. Jan. 19, 2018) (informative).

Good cause exists here. Exhibit 1100 includes a confidential list of relevant suppliers to Petitioner. This information is treated as confidential by Petitioner, and would result in competitive harm to Petitioner should this information be disclosed publicly as it would reveal confidential business suppliers of Petitioner. Further, Courts routinely seal this type of information. *Apple Inc. v. Samsung Elecs. Co.*, 727 F.3d 1214, 1225 (Fed. Cir. 2013). Finally, while Petitioner does not believe any of its relevant suppliers are real parties in interest, out of an abundance of caution and in the interest of full disclosure, Petitioner has included its list of confidential suppliers for review by the Board. Accordingly, the interest in confidentiality outweighs the public interest in having an open record regarding this information. Exhibit 1100 should therefore be sealed.

III. PROTECTIVE ORDER

In accordance with the TPG, included as Appendix A is a proposed protective order (the "Protective Order"), which applies the terms of PTAB's default protective order of the TPG. Petitioner hereby seeks entry of the Protective Order as it relates to Exhibit 1100. Petitioner hereby certifies that it accepts and agrees to the terms of the Protective Order.

IV. CONCLUSION

For the reasons set forth above, Petitioner respectfully requests the Board grant its motion to seal.

Respectfully submitted,
GREENBERG TRAURIG, LLP

Date: September 10, 2025

By: /s/ Heath J. Briggs
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Counsel for Petitioner

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of this Motion to Seal has been served on the Patentee via Priority Mail Express or by means at least as fast and reliable as Priority Mail Express at the following address:

KED & ASSOCIATES, LLP
P.O. Box 8638
Reston, VA 20195

Respectfully submitted,
GREENBERG TRAURIG, LLP

Date: September 10, 2025

By: /s/ Heath J. Briggs
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Counsel for Petitioner

Appendix A

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PROTECTIVE ORDER

DEFAULT PROTECTIVE ORDER

This protective order governs the treatment and filing of confidential information, including documents and testimony in the above-identified inter partes review proceeding.

1. Confidential information shall be clearly marked “PROTECTIVE ORDER MATERIAL.”

2. Access to confidential information is limited to the following individuals who have executed the Acknowledgment appended to this order:

(A) Parties. Persons who are owners of a patent involved in the proceeding and other persons who are named parties to the proceeding.

(B) Party Representatives. Representatives of record for a party in the proceeding.

(C) Experts. Retained experts of a party in the proceeding who further certify in the Acknowledgement that they are not a competitor to any party, or a consultant for, or employed by, such a competitor with respect to the subject matter of the proceeding.

(D) In-house counsel. In-house counsel of a party.

(E) Support Personnel. Administrative assistants, clerical staff, court reporters and other support personnel of the foregoing persons who are reasonably necessary to assist those persons in the proceeding shall not

be required to sign an Acknowledgement, but shall be informed of the terms and requirements of the Protective Order by the person they are supporting who receives confidential information.

(F) The Office. Employees and representatives of the United States Patent and Trademark Office who have a need for access to the confidential information shall have such access without the requirement to sign an Acknowledgement. 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. Employees (e.g., corporate officers), consultants, or other persons performing work for a party, other than those persons identified above in (d)(2)(A)–(E), shall be extended access to confidential information only upon agreement of the parties or by order of the Board upon a motion brought by the party seeking to disclose confidential information to that person and after signing the Acknowledgment. The party opposing disclosure to that person shall have the burden of proving that such person should be restricted from access to confidential information.

4. 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.

5. Persons receiving confidential information shall use the following procedures to maintain the confidentiality of the information:

(A) Documents and Information Filed With the Board.

(i) A party may file documents or information with the Board along with a Motion to Seal. The Motion to Seal should provide a non-confidential description of the nature of the confidential information that is under seal, and set forth the reasons why the information is

confidential and should not be made available to the public. A party may challenge the confidentiality of the information by opposing the Motion to Seal. The documents or information shall remain under seal unless the Board determines that some or all of it does not qualify for confidential treatment.

(ii) Where confidentiality is alleged as to some but not all of the information submitted to the Board, the submitting party shall file confidential and non-confidential versions of its submission, together with a Motion to Seal the confidential version setting forth the reasons why the information redacted from the non-confidential version is confidential and should not be made available to the public. A party may challenge the confidentiality of the information by opposing the Motion to Seal. The non-confidential version of the submission shall clearly indicate the locations of information that has been redacted. The confidential version of the submission shall be filed under seal. The redacted information shall remain under seal unless the Board determines that some or all of the redacted information does not qualify for confidential treatment.

(B) Documents and Information Exchanged Among the Parties.

Documents (including deposition transcripts) and other information

designated as confidential that are disclosed to another party during discovery or other proceedings before the Board shall be clearly marked as “PROTECTIVE ORDER MATERIAL” and shall be produced in a manner that maintains its confidentiality.

6. Within 60 days after the final disposition of this action, including the exhaustion of all appeals and motions, each party receiving confidential information must return, or certify the destruction of, all copies of the confidential information to the producing party.

7. Standard Acknowledgement of Protective Order. The following form may be used to acknowledge a protective order and gain access to information covered by the protective order:

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U.S. Patent No. 8,408,778

ACKNOWLEDGMENT FOR ACCESS TO PROTECTIVE ORDER
MATERIAL

I, [NAME], affirm that I have read the Protective Order; that I will abide by its terms; that I will use the confidential information only in connection with this proceeding and for no other purpose; that I will only allow access to support staff who are reasonably necessary to assist me in this proceeding; that prior to any disclosure to such support staff I informed or will inform them of the requirements of the Protective Order; that I am personally responsible for the requirements of the terms of the Protective Order and I agree to submit to the jurisdiction of the Office and the United States District Court for the Eastern District of Virginia for purposes of enforcing the terms of the Protective Order and providing remedies for its breach.

By: _____

Name: _____

Date: _____