Date: January 12, 2026

Filed on behalf of **Brain Corporation**
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AVIDBOTS CORP. and AVIDBOTS USA CORP.,
Petitioners,

v.

BRAIN CORPORATION,
Patent Owner

Case No. IPR2025-01600
US Patent No. 10,001,780

PATENT OWNER'S MOTION TO SEAL PATENT OWNER'S DISCRETIONARY DENIAL BRIEF AND EXHIBITS

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.54 and the Board's January 9, 2026 email (EX3002), Patent Owner Brain Corporation ("Brain") submits this Motion to Seal Patent Owner's Discretionary Denial Brief and certain exhibits filed concurrently therewith. Brain's Discretionary Denial Brief relies, in part, on evidence that Petitioners Avidbots Corporation and Avidbots USA Corp. produced in the related district court litigation, *Brain Corp. v. Avidbots Corp. & Avidbots USA Corp.*, Case No. 24-cv-12569 (N.D. Ill.) (the "Related Litigation"). The information and exhibits that Brain moves to seal was designated by Petitioners as their confidential information in the Related Litigation. Specifically, Brain moves to seal confidential versions of its Discretionary Denial Brief and Exhibits 2010–2015 and 2018. Brain has filed a public version of the Discretionary Denial Brief with the confidential material redacted. The parties have already agreed to a modified version of the Board's standard protective order and Brain's motion for entry of that protective order is currently pending. *See* Paper 7 (Motion for Protective Order); EX2001 (Proposed Protective Order).

The parties have separately conferred and agreed that Patent Owner may use certain of Petitioners' confidential information in this IPR under the condition that such information be filed under seal and under the protective order, which is currently pending. Accordingly, because the only information that Patent Owner

seeks to seal is Petitioners' confidential information, Patent Owner understands that Petitioner will not oppose this motion to seal.

II. MOTION TO SEAL STANDARD

"There is a strong public policy for making all information filed in a quasijudicial administrative proceeding open to the public." *Garmin Int'l v. Cuozzo Speed Techs., LLC,* IPR2012–00001, slip op. at 1–2 (PTAB Mar. 14, 2013) (Paper 34). The record for an *inter partes* review shall be made available to the public, except as otherwise ordered on a motion to seal. 35 U.S.C. § 326(a)(1); 37 C.F.R. § 42.14. The documents and information that are the subject of the motion to seal shall be treated as sealed until the motion is decided. *Id.*

In determining whether to grant a Motion to Seal, the Board must find "good cause" 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 *see also Argentum Pharms. LLC v. Alcon Res., Ltd.,* IPR2017-01053, Paper 27 at 3-4 (PTAB Jan. 19, 2018) (Informative) (describing the "good cause" standard). 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."

The moving party bears the burden of showing that the relief requested should be granted. 37 C.F.R. § 42.20(c). That includes showing that the information is truly confidential, and that such confidentiality outweighs the strong public interest in having an open record. See *Argentum*, Paper 27 at 3–4. A party moving to seal has the burden of showing 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 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.

Id. These factors support granting Brain's motion to seal.

III. THE DOCUMENTS REQUESTED TO BE SEALED COMPRISE PETITIONERS' CONFIDENTIAL INFORMATION

Brain's Discretionary Denial Brief contains quotes and descriptions of documents and testimony designated by Petitioners as their confidential information in the Related Litigation. At a high level, the confidential information relates to Petitioners' knowledge of Patent Owner and Patent Owner's patents. Brain has concurrently filed a public version of its Discretionary Denial Brief with that confidential information redacted.

Exhibit 2012 is an excerpt of the transcript of the December 11, 2025 deposition of Pablo Roberto Molina Cabrerra in the Related Litigation ("Cabrerra

Deposition"). Petitioners designated this transcript in the Related Litigation as containing its HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY material. The testimony in the excerpt relates to Petitioners' internal documents that Petitioner also designated as its confidential information.

Exhibit 2010 is a copy of Exhibit 97 to the Cabrerra Deposition. Exhibit 2010 is one of Petitioners' internal documents that Petitioners designated as HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY in the Related Litigation.

Exhibit 2011 is a copy of Exhibit 99 to the Cabrerra Deposition. Exhibit 2011 is an internal email between Avidbots employees that Petitioners designated as HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY in the Related Litigation.

Exhibit 2013 is a copy of Exhibit 102 to the Cabrerra Deposition. Exhibit 2013 is an internal engineering document that Petitioners designated as HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY in the Related Litigation.

Exhibit 2014 is a copy of Exhibit 104 to the Cabrerra Deposition. Exhibit 2014 is an internal engineering document that Petitioners designated as HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY in the Related Litigation.

Exhibit 2015 is an excerpt of Exhibit 103 to the Cabrerra Deposition. Exhibit 2014 comprises internal photographs that Petitioners designated as HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY in the Related Litigation.

Exhibit 2018 is an excerpt of Exhibit 107 to the Cabrerra Deposition. Exhibit 2018 is an internal email that Petitioners designated as HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY in the Related litigation.

None of this confidential information has been made public. In the Related Litigation, Brain requested that Avidbots de-designate some of the above information as non-confidential. In response, Avidbots reaffirmed that the above information is confidential and must be filed under seal. Accordingly, good cause exists to seal the Discretionary Denial Brief and Exhibits 2010–2015 and 2018.

IV. CONCLUSION

For the foregoing reasons, Brain respectfully requests the Board grant this motion to seal.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: January 12, 2026

/Daniel P. Hughes/
Daniel P. Hughes (Reg. No. 76,592)
Customer No. 64,735

Attorney for Patent Owner
Brain Corporation

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PATENT OWNER'S MOTION TO SEAL PATENT OWNER'S DISCRETIONARY DENIAL BRIEF AND EXHIBITS** is being served electronically on December 29, 2025, to the e-mail addresses shown below:

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