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Paper 24
Entered: June 8, 2026

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TAIWAN SEMICONDUCTOR MANUFACTURING COMPANY LTD.
and APPLE, INC.,
Petitioner,

v.

MYW SEMITECH, LLC,
Patent Owner.

IPR2026-00067
Patent 11,894,306 B2

Before KEVIN F. TURNER, GEORGE R. HOSKINS, and
DONALD E. DAYBELL, *Administrative Patent Judges*.

TURNER, *Administrative Patent Judge*.

ORDER
Granting-In-Part Patent Owner's Motion to Seal
37 C.F.R. §§ 42.14 & 42.54

Patent Owner has filed a Motion to Seal Exhibits 2003, 2005, 2006, and 2009, and for entry of the Board's Default Protective Order (found in Appendix B to the Board's Trial Practice Guide (Nov. 2019)[1]). *See* Paper 8 ("Patent Owner's Motion" or "Mot."). Petitioner has filed an Opposition to Patent Owner's Motion. *See* Paper 12 ("Petitioner's Opposition" or "Opp.").

Patent Owner argues the subject Exhibits contain Patent Owner's "confidential business information" such that good cause exists for placing them under seal via the Board's Default Protective Order. *See* Mot. 1–3.

Petitioner's Opposition requests that we modify the Board's Default Protective Order to allow for a two-tier designation of sealed information, either "CONFIDENTIAL" or "CONFIDENTIAL— ATTORNEY'S EYES ONLY." *See* Opp. Petitioner submits a red-lined version of the Board's Default Protective Order to illustrate the requested changes (Exhibit A to the Opposition) and a proposed Modified Protective Order incorporating those changes (Exhibit B to the Opposition). *See id.* at 2–3. Petitioner represents that the parties conferred on this issue after the filing of Patent Owner's Motion, and Patent Owner has agreed to entry of the Modified Protective Order. *See id.* at 2.

Petitioner requests Exhibit 2003 be designated "CONFIDENTIAL — ATTORNEY'S EYES ONLY" because it contains Petitioner Apple's "extremely confidential and/or sensitive information." *Id.* at 3–4. Petitioner requests Exhibits 2005 and 2006 be designated "CONFIDENTIAL" because they contain Patent Owner's confidential information.[2] *See id.* Petitioner

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[1] *Available at* www.uspto.gov/sites/default/files/documents/tpgnov.pdf.

[2] Petitioner's Opposition concludes Patent Owner's Motion should be *denied* as to Exhibit 2005. *See* Opp. 4. However, Petitioner indicates the

argues Exhibit 2009 should not be sealed at all because it contains no confidential information. *See id.* Petitioner represents that Patent Owner has agreed to the foregoing designations and actions. *See id.* at 3.

The standard for granting a motion to seal is "for good cause." 37 C.F.R. § 42.54(a). The party moving to seal bears the burden to show entitlement to the requested relief, and to establish that information sought to be sealed is confidential information. *Id.* § 42.20(c). The "good cause" standard for granting a motion to seal reflects the strong public policy for making all information in an *inter partes* review open to the public. *Argentum Pharms. LLC v. Alcon Rsch., Ltd.*, IPR2017-01053, Paper 27 at 3 (PTAB Jan. 19, 2018) (informative). When assessing whether the standard has been met, we may consider whether the information at issue is truly confidential, whether harm would result upon public disclosure, and whether the interest in maintaining confidentiality as to the information outweighs the strong public interest in an open record. *Id.* at 3–4.

We have reviewed the subject Exhibits. Exhibit 2003 is an email communication from Patent Owner's counsel to Petitioner Apple's counsel concerning production of Apple's documents and materials in *MYW Semitech, LLC v. Apple Inc.*, Case No. 1:25-cv-00504 (D. Del.), and contains various descriptions of the items at issue. *See* Paper 9, iv (Patent Owner's List of Exhibits); Ex. 2003. Exhibit 2005 is a series of email communications between counsel in the Delaware litigation concerning availability of Apple materials for review by Patent Owner's consultant(s). *See* Paper 9, iv; Ex. 2005. Exhibit 2006 is a series of email communications

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parties have agreed to maintain Exhibit 2005 as "CONFIDENTIAL" and Petitioner does not proffer any reason why the Motion should be denied as to Exhibit 2005. *See id.* at 3–4.

between counsel for the parties concerning inventorship of patents asserted in the Delaware litigation. *See* Paper 9, iv; Ex. 2006. Exhibit 2009 is a 2-page email communication from Patent Owner's counsel to Petitioner's counsel in the Delaware litigation, attaching Patent Owner's Initial Infringement Contentions (which are not included in Exhibit 2009). *See* Paper 9, iv; Ex. 2009.

We conclude Exhibits 2003, 2005, and 2006 reflect confidential information that is worthy of protection via a protective order, as agreed between the parties here. Therefore, we determine good cause exists for granting Patent Owner's Motion as to these exhibits.

We conclude Exhibit 2009 does not reflect confidential information that is worthy of protection via a protective order, as agreed between the parties here. Therefore, we determine good cause does not exist for granting Patent Owner's Motion as to this exhibit. Accordingly, the Board will remove the "Parties and Board" designation of Exhibit 2009 in P-TACTS to make it a "Public" Exhibit.

We also have reviewed the parties' jointly proposed changes to the Board's Default Protective Order, and we conclude they are appropriate for this proceeding. Accordingly, we hereby enter the Modified Protective Order attached as Exhibit B to Petitioner's Opposition to govern this proceeding, and Exhibits 2003, 2005, and 2006 are sealed by the present Order pursuant to the Modified Protective Order. The confidentiality tier for each of those exhibits is set forth above.

However, Exhibits 2003, 2005, and 2006 do not comply with the Modified Protective Order, because they are not "clearly marked" on their face as either "CONFIDENTIAL" or "CONFIDENTIAL — ATTORNEY'S EYES ONLY." Opp., Ex. B (at 1). Therefore, these Exhibits will be

stricken from the record by the Board, and Patent Owner shall file new Exhibits (utilizing the original Exhibit numbers) that comply with the Modified Protective Order within two weeks of this Order.

Finally, we remind the parties of the public's interest in maintaining a complete and understandable file history, and of the general expectation that information will be made public where the existence of the information is identified in a final written decision following a trial. *See* On-Line Trial Practice Guide[3] at I.E.6. We also note that confidential information subject to a protective order ordinarily becomes public 45 days after final judgment in a trial. *See id.* After final judgment, a party may file a motion to expunge confidential information from the record prior to the information becoming public. *See id.*; 37 C.F.R. § 42.56.

In consideration of the foregoing, it is hereby:

ORDERED that Patent Owner's Motion to Seal (Paper 8) is *granted* as to Exhibits 2003, 2005, and 2006;

FURTHER ORDERED that Exhibits 2003, 2005, and 2006 will be stricken from the record, and Patent Owner shall file new Exhibits (utilizing the original Exhibit numbers) that comply with the Modified Protective Order within two weeks of this Order;

FURTHER ORDERED that Patent Owner's Motion to Seal (Paper 8) is *denied* as to Exhibit 2009; and

FURTHER ORDERED that that the Modified Protective Order attached as Exhibit B to Petitioner's Opposition will govern this proceeding.

[3] *Available at* www.uspto.gov/patents/ptab/trial-practice-guide.

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