

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROCHIP TECHNOLOGY INC.,
Petitioner,

v.

APTIV TECHNOLOGIES AG,
Patent Owner.

PGR2024-00011
Patent 11,681,643 B2

Before JEAN R. HOMERE, TERRENCE W. McMILLIN, and
JOHN D. HAMANN, *Administrative Patent Judges*.

HOMERE, *Administrative Patent Judge*.

ORDER
Authorizing Filing of Replacement Version of Exhibit 1072

On the same day that the Petition was filed, Petitioner filed a Motion to File Confidential Document Under Seal (Paper 3, “Motion”) in this proceeding. In the Motion, Petitioner requests sealing the entirety of Exhibit 1072, which comprises 597 pages. Motion 1. The Motion states that Exhibit 1072 “contains highly detailed, sensitive, confidential, and non-public information concerning the design, development, functionality, and operation of various Microchip USB hub products (‘Microchip Accused Products’).” *Id.*

On July 15, 2024, an Order to Show Cause (Paper 14) was entered in which the Board expressed its “intention to expunge Exhibit 1072 from the record, and deny the Motion as moot, unless Petitioner can establish why Exhibit 1072 should be maintained in the record” (*id.* at 2) and authorizing a response by Petitioner to the Order to Show Cause (*id.* at 2–3). In the Order, we indicated that Exhibit 1072 is listed in the exhibit list included in the Petition (Pet. vii), but is not discussed, relied on, referred to, or cited in the Petition (*see id.* generally). *Id.* at 2. We also indicated that we could not find any discussion, reliance on, reference to, or citation of Exhibit 1072 in any other filed paper (except, of course, the Motion). *Id.*

On July 18, 2024, Petitioner filed Petitioner’s Response to the Board’s Show Cause Order (Paper 16) which stated that “Petitioner objects to the Board’s proposal to ‘expunge Exhibit 1072 from the record, and deny [] as moot’ Petitioner’s Motion to File Confidential Document Under Seal” (*id.* at 1, 3). In particular, Petitioner argues that the Board overlooked Petitioner’s citation of Ex. 1072 (and related argument) at page 74 of the Petition, stating

Aptiv admits in its infringement contentions that “[a] person of ordinary skill in the art would understand that the step of determining whether the consumer device is operating in the

USB host mode or in the USB device mode is performed by the USB routing switch.” EX1072, 597.

Id. at 2–3 (citing , Paper 1, 74).

Consequently, Petitioner asserts that, in the interest of mitigating the Board’s concern regarding confidentiality, Petitioner proposes to submit (upon obtaining the Board’s authorization) a replacement version of Ex. 1072 containing only the cited excerpts, which would moot the motion to seal. *Id.* at 3.

Upon confirming that our Order indeed overlooked Petitioner’s referenced citation of Ex. 1072 in the Petition, it is hereby:

ORDERED that Petitioner is authorized to file within 10 days a replacement version of Ex. 1072 containing only the cited excerpts.

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