

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VIANCE, LLC
Petitioner,
v.

KOPPERS PERFORMANCE CHEMICALS, INC.
Patent Owner.

PGR No. 2026-00023
U.S. Patent No. 12,370,716
Issued: July 29, 2025
Application No. 19/072,608
Filed: March 6, 2025

TITLE: WOOD PRESERVATIVE COMPOSITION COMPRISING 4,5-DICHLORO-2-OCTYLISOTHIAZOL-3(2H)-ONE, A METHOD TREATING A WOOD SUBSTRATE THEREWITH, AND A WOOD PRODUCT PRODUCED THEREFORM

**PETITIONER'S MOTION TO SEAL AND
FOR ENTRY OF PROPOSED PROTECTIVE ORDER**

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.14 and 37 C.F.R. § 42.55, Petitioner, Viance LLC (“Petitioner”), respectfully submits this Motion to Seal and for Entry of a Proposed Protective Order for this proceeding only, PGR No. 2026-00023. Petitioner moves to seal Petitioner’s Exhibits 1011-1012, 1018, 1027, 1031-1039, 1045-1062, 1065-1066, 1070-1074, 1076-1077, 1079, and 1081-1087. Petitioner submits this motion with its Petition for Post-Grant Review of U.S. Patent No. 12,370,716 (the “Petition”). Concurrent with this motion, Petitioner has filed a proposed protective order, which is a modified version of the Default Protective Order set forth in the Office Patent Trial Practice Guide as Exhibit 1025 (the “Modified Protective Order”). Petitioner has also concurrently filed Exhibit 1026, which is a document showing the modifications to the Default Protective Order in redline. Any information in Exhibits 1011-1012, 1018, 1027, 1031-1039, 1045-1062, 1065-1066, 1070-1074, 1076-1077, 1079, and 1081-1087 that is material to the grounds of unpatentability raised in the Petition has been provided as a separate publicly available exhibit with only the non-material confidential information redacted.

The Modified Protective Order follows the Default Protective Order but adds an additional level of confidentiality for Outside Attorneys’ Eyes Only. This additional level of confidentiality is added to protect the sensitive business nature of confidential information submitted that is *not* relevant to the grounds of unpatentability raised in the Petition, including financial and trade secret information belonging to Petitioner and third parties, given that Petitioner, the third parties, and Koppers Performance Chemicals, Inc. (“Patent Owner”) are direct business competitors. *See* Patent Trial and Appeal Board Consolidated Trial Practice Guide, November 2029, at 115 (“the parties may agree to modify the Default Protective Order to provide additional tiers or categories of confidential information, such as “Attorneys’ Eyes Only.”).

II. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.14 and 37 C.F.R. § 42.55, and for the reasons set forth below, Petitioner respectfully requests that the Board grant its Motion to Seal and for Entry of the Modified Protective Order (Exhibit 1025) for PGR No. 2026-00023 and seal Exhibits 1011-1012, 1018, 1027, 1031-1039, 1045-1062, 1065-1066, 1070-1074, 1076-1077, 1079, and 1081-1087. Petitioner has concurrently submitted public versions of these exhibits that only redact confidential information not material to the grounds of unpatentability set forth in the Petition.

III. GOOD CAUSE EXISTS FOR SEALING CERTAIN CONFIDENTIAL INFORMATION IN ACCORDANCE WITH THE MODIFIED PROTECTIVE ORDER

“A petitioner filing confidential information with a petition may, concurrent with the filing of the petition, file a motion to seal with a proposed protective order as to the confidential information.” 37 C.F.R. § 42.55. The Board may enter a protective order for “good cause” when necessary to protect confidential information filed in a proceeding. *See Argentum Pharma, LLC v. Alcon Research Ltd.*, IPR2017-01053, Paper No. 27 at 2 (PTAB Jan. 19, 2018) (Informative); *see also* Patent Trial and Appeal Board Consolidated Trial Practice Guide, November 2029, at 19-20. Similarly, the Board may grant a motion to seal confidential information for “good cause.” *See Argentum Pharma* at 2-4; *see also* 37 C.F.R. 42.54.

Good cause is established through a sufficient explanation why the information sought to be sealed is confidential, a demonstration that the information sought to be sealed is not excessively redacted, and a showing that, on balance, the public interest in maintaining a complete and understandable record is outweighed by the harm to the movant caused by disclosure of the information sought to be sealed and the need of either party to rely specifically on the information at issue. *See Argentum Pharma* at 3-4.

Good cause exists to seal select portions of Exhibits 1011-1012, 1018, 1031-1039, 1045-1062 because they disclose sensitive and confidential business information relating to the manufacturing specifications, marketing strategies, sales, and use of the Petitioner's UP-50 product prior to the effective filing date of U.S. Patent No. 12,370,716 of August 5, 2022. *See* Petition at pp.12-14, 47-68. Exhibits 1011 and 1012 also contain Petitioner's proprietary manufacturing process and trade secret information for manufacturing its UP-50 product, as well as other highly sensitive confidential and proprietary business and commercial information. *See* 37 C.F.R. 42.2 (defining confidential information to mean "trade secret or other confidential research, development, or commercial information").

Good cause exists to seal select portions of Exhibits 1065-1066 because they disclose sensitive and confidential business information, including customer names, addresses, contact information, signatures, product quantities, pricing information, and other financial data of a third-party's HCS-25 solvent product.

Good cause exists to seal select portions of Exhibits 1070-1074 and 1076-1077 because they disclose sensitive and confidential trade secret information related to the evaluation of Petitioner's UP-50 product concerning matters not relevant here, as well as other products not relevant in this PGR.

Good cause exists to seal select portions of Exhibits 1027 and 1079 because they disclose sensitive and confidential business information, including pricing and marketing strategies, as well as sensitive information relating to Petitioner's agreements with its business partners.

Good cause exists to seal select portions of Exhibits 1081-1087 because they disclose sensitive third-party business information belonging to one of Petitioner's customers, including sensitive business, financial, and trade secret information related to the manufacturing of wood

products treated with Petitioner's UP-50 product. In addition to being Petitioner's customer, the third party also itself directly competes with the Patent Owner. Petitioner's third-party customer is not a party to this PGR, and its business and competitive advantage would be harmed by making such sensitive business, financial and trade secret information publicly available to its competitors, including Patent Owner.

Good cause exists to redact the names of Petitioner's customers in Exhibits 1011, 1018, 1027, 1031-1039, 1045-1062, 1065-1066, 1070-1074, 1076-1077, 1079, and 1081-1087 because the documents detail financial, product development, and commercial strategies unique to each customer, which have never been made public. This would cause harm to Petitioner's business because financial, product development, and commercial strategies between Petitioner and its customers can then be used to compete against Petitioner and its customers by companies that directly compete with Petitioner and its customers (e.g. Patent Owner).

Petitioner has submitted public versions of Exhibits 1011-1012, 1018, 1027, 1031-1039, 1045-1062, 1065-1066, 1070-1074, 1076-1077, 1079, and 1081-1087 with redactions to satisfy the need for public disclosure of information material to patentability. The select redacted portions of Exhibits 1011-1012, 1018, 1027, 1031-1039, 1045-1062, 1065-1066, 1070-1074, 1076-1077, 1079, and 1081-1087 have never been made public. The only redactions in the public redacted versions of Exhibits 1011-1012, 1018, 1027, 1031-1039, 1045-1062, 1065-1066, 1070-1074, 1076-1077, 1079, and 1081-1087 are to confidential information that is not relied upon in the Petition for any of the grounds of unpatentability or any other issues in this PGR. These redacted versions provide sufficient information for the Board and the Patent Owner to analyze and make determinations on all the grounds of unpatentability raised in the Petition. Since none of the

redacted information is relevant to the grounds of unpatentability raised in the Petition, the public interest in disclosure of information material to patentability is not harmed.

It is appropriate to seal Exhibits 1011-1012, 1018, 1027, 1031-1039, 1045-1062, 1065-1066, 1070-1074, 1076-1077, 1079, and 1081-1087 in accordance with the “PROTECTIVE ORDER MATERIAL – OUTSIDE ATTORNEYS’ EYES ONLY” designation as set forth in the Modified Protective Order because Petitioner, the third parties, and Patent Owner are direct business competitors, and the disclosure of Petitioner’s and the third parties’ sensitive business and trade secret information to Patent Owner would impact their competitive advantage. Patent Owner will have access to the public redacted version of Exhibits 1011-1012, 1018, 1027, 1031-1039, 1045-1062, 1065-1066, 1070-1074, 1076-1077, 1079, and 1081-1087, which contain all of the material relevant to the grounds of unpatentability raised in the Petition. Upon agreeing to the Modified Protective Order, Patent Owner’s outside counsel will be able to see the unredacted versions of Exhibits 1011-1012, 1018, 1027, 1031-1039, 1045-1062, 1065-1066, 1070-1074, 1076-1077, 1079, and 1081-1087 subject to the Modified Protective Order (Exhibit 1025) to ensure that the redactions are not relevant to the issues raised in the Petition.

A brief description of the information requested to be sealed in each of Exhibits 1011-1012, 1018, 1027, 1031-1039, 1045-1062, 1065-1066, 1070-1074, 1076-1077, 1079, and 1081-1087 is detailed below.

IV. LISTING OF EXHIBITS

a. Exhibit 1011

Exhibit 1011 is a declaration provided as evidence to support Grounds 2-8 of the Petition and the specifications of Petitioner’s UP-50 product. Petitioner redacts select information that would reveal sensitive business information, including customer names, addresses, and other data not relevant here. None of the redacted information showing Petitioner’s customer contact and

sales information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner would be harmed by the disclosure of this information because such disclosure would reveal Petitioner's business relationships with its customers, as well as harm Petitioner's business and competitive advantage by making its customer and sales information available to its competitors.

b. Exhibit 1012

Exhibit 1012 is an internal manufacturing document provided as evidence to support Grounds 2-6 of the Petition. Petitioner redacts select information that would reveal Petitioner's proprietary manufacturing processes and trade secrets for the manufacture of its UP-50 product. Disclosure of such sensitive confidential information to competitors (e.g., Patent Owner) and others would cause irreparable harm to Petitioner because third parties could use the same to directly compete against Petitioner for the manufacture and sale of such products. None of the redacted information identifying Petitioner's UP-50 product has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner would therefore be harmed by the disclosure its proprietary manufacturing process and trade secret information concerning the manufacture and sale of its UP-50 product.

c. Exhibit 1018

Exhibit 1018 is a declaration provided as evidence to support Grounds 2-6 of the Petition of the Petition and the sale of Petitioner's UP-50 product prior to August 5, 2022. Petitioner redacts select information that would reveal sensitive business information, including customer names, addresses, contact information, signatures, product quantities, pricing information, and other financial data not relevant here, as well as the identity of employees belonging to Petitioner's

customers, toll manufacturer, and shipping carriers. None of the redacted information showing Petitioner's financial data and customer contact and sales information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner would be harmed by the disclosure of this information because such disclosure would reveal Petitioner's business relationships with its customers, toll manufacturer, and shipping carriers, as well as harm Petitioner's business and competitive advantage by making its customer and sales information, financial data and pricing strategies available to its competitors.

d. Exhibit 1027

Exhibit 1027 is a business development and exclusive supply agreement between Petitioner and one of its customers provided as evidence to support Grounds 4-6 of the Petition and the sale/offer for sale of Petitioner's UP-50 product at least as early as February 5, 2021. Petitioner redacts select information that would reveal sensitive business information, including customer names, addresses, contact information, signatures, product quantities, marketing and other strategies, pricing information, and other financial data not relevant here, as well as sensitive contractual information not relevant here. None of the redacted contact, financial, and strategic information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner would be harmed by the disclosure of this information because such disclosure would reveal Petitioner's business strategies and arrangements with its customers who are not parties to this PGR, as well as harm Petitioner's business and competitive advantage by making its customer and sales information, financial data, marketing, and pricing strategies available to its competitors.

e. Exhibit 1031

Exhibit 1031 is a purchase order sent by Petitioner to its toll manufacturer provided as evidence to support Grounds 2-3 of the Petition and the sale of Petitioner's UP-50 product prior to August 5, 2022. Petitioner redacts select information that would reveal sensitive business information, including customer names, addresses, contact information, signatures, product quantities, pricing information, and other financial data not relevant here, as well as the identity of employees belonging to Petitioner's customers, toll manufacturer, and shipping carriers. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner would be harmed by the disclosure of this information because such disclosure would reveal Petitioner's business relationships with its customers, toll manufacturer, and shipping carriers, as well as harm Petitioner's business and competitive advantage by making its customer and sales information, financial data and pricing strategies available to its competitors.

f. Exhibit 1032

Exhibit 1032 is a purchase order received by Petitioner from one of its customers provided as evidence to support Grounds 2-3 of the Petition and the sale of Petitioner's UP-50 product prior to August 5, 2022. Petitioner redacts select information that would reveal sensitive business information, including customer names, addresses, contact information, signatures, product quantities, pricing information, and other financial data not relevant here, as well as the identity of employees belonging to Petitioner's customers. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner would be harmed by the disclosure of this information because such disclosure would reveal Petitioner's business relationships with its customers, as well as harm Petitioner's business and competitive advantage

by making its customer and sales information, financial data and pricing strategies available to its competitors.

g. Exhibit 1033

Exhibit 1033 is a bill of lading provided as evidence to support Grounds 2-3 of the Petition and the sale of Petitioner's UP-50 product prior to August 5, 2022. Petitioner redacts select information that would reveal sensitive business information, including customer names, addresses, contact information, signatures, product quantities, pricing information, and other financial data not relevant here, as well as the identity of employees belonging to Petitioner's customers, toll manufacturer, and shipping carriers. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner would be harmed by the disclosure of this information because such disclosure would reveal Petitioner's business relationships with its customers, toll manufacturer, and shipping carriers, as well as harm Petitioner's business and competitive advantage by making its customer and sales information, financial data and pricing strategies available to its competitors.

h. Exhibit 1034

Exhibit 1034 is an invoice created by Petitioner and sent to one of its customers provided as evidence to support Grounds 2-3 of the Petition and the sale of Petitioner's UP-50 product prior to August 5, 2022. Petitioner redacts select information that would reveal sensitive business information, including customer names, addresses, contact information, signatures, product quantities, pricing information, and other financial data not relevant here. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner would be harmed by the disclosure of this information because such disclosure would

reveal Petitioner's business relationships with its customers, as well as harm Petitioner's business and competitive advantage by making its customer and sales information, financial data and pricing strategies available to its competitors.

i. Exhibit 1035

Exhibit 1035 is a sales order acknowledgement received by Petitioner from its toll manufacturer provided as evidence to support Grounds 2-3 of the Petition and the sale of Petitioner's UP-50 product prior to August 5, 2022. Petitioner redacts select information that would reveal sensitive business information, including toll manufacturer and customer names, addresses, contact information, signatures, product quantities, pricing information, and other financial data not relevant here, as well as the identity of employees belonging to Petitioner's toll manufacturer. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner would be harmed by the disclosure of this information because such disclosure would reveal Petitioner's business relationships with its customers, toll manufacturer, and shipping carriers, as well as harm Petitioner's business and competitive advantage by making its customer and sales information, financial data and pricing strategies available to its competitors.

j. Exhibit 1036

Exhibit 1036 is a shipping invoice received by Petitioner from a shipping company provided as evidence to support Grounds 2-3 of the Petition and the sale of Petitioner's UP-50 product prior to August 5, 2022. Petitioner redacts select information that would reveal sensitive business information, including customer names, addresses, contact information, signatures, product quantities, pricing information, and other financial data not relevant here, as well as the identity of employees belonging to Petitioner's shipping carriers. Petitioner also redacts shipping terms and conditions which are not relevant to any of the Grounds asserted in this PGR. None of

the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner would be harmed by the disclosure of this information because such disclosure would reveal Petitioner's business relationships with its customers, toll manufacturer, and shipping carriers, as well as harm Petitioner's business and competitive advantage by making its customer information, financial data and pricing strategies available to its competitors.

k. Exhibit 1037

Exhibit 1037 is a bill of lading provided as evidence to support Grounds 2-3 of the Petition and the sale of Petitioner's UP-50 product prior to August 5, 2022. Petitioner redacts select information that would reveal sensitive business information, including customer names, addresses, contact information, signatures, product quantities, pricing information, and other financial data not relevant here, as well as the identity of employees belonging to Petitioner's customers, toll manufacturer, and shipping carriers. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner would be harmed by the disclosure of this information because such disclosure would reveal Petitioner's business relationships with its customers, toll manufacturer, and shipping carriers, as well as harm Petitioner's business and competitive advantage by making its customer information, financial data and pricing strategies available to its competitors.

l. Exhibit 1038

Exhibit 1038 is an invoice created by Petitioner and sent to one of its customers provided as evidence to support Grounds 2-3 of the Petition and the sale of Petitioner's UP-50 product prior to August 5, 2022. Petitioner redacts select information that would reveal sensitive business information, including customer names, addresses, contact information, product quantities, pricing

information, and other financial data not relevant here. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner would be harmed by the disclosure of this information because such disclosure would reveal Petitioner's business relationships with its customers, as well as harm Petitioner's business and competitive advantage by making its customer and sales information, financial data and pricing strategies available to its competitors.

m. Exhibit 1039

Exhibit 1039 is an invoice created by Petitioner and sent to one of its customers provided as evidence to support Grounds 2-3 of the Petition and the sale of Petitioner's UP-50 product prior to August 5, 2022. Petitioner redacts select information that would reveal sensitive business information, including customer names, addresses, contact information, product quantities, pricing information, and other financial data not relevant here. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner would be harmed by the disclosure of this information because such disclosure would reveal Petitioner's business relationships with its customers, as well as harm Petitioner's business and competitive advantage by making its customer and sales information, financial data and pricing strategies available to its competitors.

n. Exhibit 1045

Exhibit 1045 is an invoice received by Petitioner from its toll manufacturer provided as evidence to support Grounds 2-3 of the Petition and the sale of Petitioner's UP-50 product prior to August 5, 2022. Petitioner redacts select information that would reveal sensitive business information, including customer and toll manufacturer names, addresses, contact information,

product quantities, pricing information, and other financial data not relevant here. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner would be harmed by the disclosure of this information because such disclosure would reveal Petitioner's business relationships with its customers, toll manufacturer, and shipping carriers, as well as harm Petitioner's business and competitive advantage by making its customer and sales information, financial data and pricing strategies available to its competitors.

o. Exhibit 1046

Exhibit 1046 is a purchase order received by Petitioner from one of its customers provided as evidence to support Grounds 2-3 of the Petition and the sale of Petitioner's UP-50 product prior to August 5, 2022. Petitioner redacts select information that would reveal sensitive business information, including customer names, addresses, contact information, signatures, product quantities, pricing information, and other financial data not relevant here, as well as the identity of employees belonging to Petitioner's customers. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner would be harmed by the disclosure of this information because such disclosure would reveal Petitioner's business relationships with its customers, as well as harm Petitioner's business and competitive advantage by making its customer and sales information, financial data and pricing strategies available to its competitors.

p. Exhibit 1047

Exhibit 1047 is an invoice received by Petitioner from its toll manufacturer provided as evidence to support Grounds 2-3 of the Petition and the sale of Petitioner's UP-50 product prior to August 5, 2022. Petitioner redacts select information that would reveal sensitive business

information, including customer and toll manufacturer names, addresses, contact information, product quantities, pricing information, and other financial data not relevant here. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner would be harmed by the disclosure of this information because such disclosure would reveal Petitioner's business relationships with its customers, toll manufacturer, and shipping carriers, as well as harm Petitioner's business and competitive advantage by making its customer and sales information, financial data and pricing strategies available to its competitors.

q. Exhibit 1048

Exhibit 1048 is a shipping invoice received by Petitioner from a shipping company provided as evidence to support Grounds 2-3 of the Petition and the sale of Petitioner's UP-50 product prior to August 5, 2022. Petitioner redacts select information that would reveal sensitive business information, including customer names, addresses, contact information, signatures, product quantities, pricing information, and other financial data not relevant here, as well as the identity of employees belonging to Petitioner's shipping carriers. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner would be harmed by the disclosure of this information because such disclosure would reveal Petitioner's business relationships with its customers, toll manufacturer, and shipping carriers, as well as harm Petitioner's business and competitive advantage by making its customer information, financial data and pricing strategies available to its competitors.

r. Exhibit 1049

Exhibit 1049 is a bill of lading provided as evidence to support Grounds 2-3 of the Petition and the sale of Petitioner's UP-50 product prior to August 5, 2022. Petitioner redacts select

information that would reveal sensitive business information, including customer names, addresses, contact information, signatures, product quantities, pricing information, and other financial data not relevant here, as well as the identity of employees belonging to Petitioner's customers, toll manufacturer, and shipping carriers. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner would be harmed by the disclosure of this information because such disclosure would reveal Petitioner's business relationships with its customers, toll manufacturer, and shipping carriers, as well as harm Petitioner's business and competitive advantage by making its customer and sales information, financial data and pricing strategies available to its competitors.

s. Exhibit 1050

Exhibit 1050 is a sales order provided as evidence to support Grounds 2-3 of the Petition and the sale of Petitioner's UP-50 product prior to August 5, 2022. Petitioner redacts select information that would reveal sensitive business information, including customer names, addresses, contact information, product quantities, pricing information, and other financial data not relevant here. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner would be harmed by the disclosure of this information because such disclosure would reveal Petitioner's business relationships with its customers, as well as harm Petitioner's business and competitive advantage by making its customer and sales information, financial data and pricing strategies available to its competitors.

t. Exhibit 1051

Exhibit 1051 is an invoice received by Petitioner from its toll manufacturer provided as evidence to support Grounds 2-3 of the Petition and the sale of Petitioner's UP-50 product prior to

August 5, 2022. Petitioner redacts select information that would reveal sensitive business information, including customer and toll manufacturer names, addresses, contact information, product quantities, pricing information, and other financial data not relevant here. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner would be harmed by the disclosure of this information because such disclosure would reveal Petitioner's business relationships with its customers, toll manufacturer, and shipping carriers, as well as harm Petitioner's business and competitive advantage by making its customer and sales information, financial data and pricing strategies available to its competitors.

u. Exhibit 1052

Exhibit 1052 is a customer order email provided as evidence to support Grounds 2-3 of the Petition and the sale of Petitioner's UP-50 product prior to August 5, 2022. Petitioner redacts select information that would reveal sensitive business information, including customer names, addresses, contact information, product quantities, pricing information, and other financial data not relevant here, as well as the identity of employees belonging to Petitioner's customers. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner would be harmed by the disclosure of this information because such disclosure would reveal Petitioner's business relationships with its customers, as well as harm Petitioner's business and competitive advantage by making its customer and sales information, financial data and pricing strategies available to its competitors.

v. Exhibit 1053

Exhibit 1053 is a sales order provided as evidence to support Grounds 2-3 of the Petition and the sale of Petitioner's UP-50 product prior to August 5, 2022. Petitioner redacts select

information that would reveal sensitive business information, including customer names, addresses, contact information, product quantities, pricing information, and other financial data not relevant here. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner would be harmed by the disclosure of this information because such disclosure would reveal Petitioner's business relationships with its customers, as well as harm Petitioner's business and competitive advantage by making its customer and sales information, financial data and pricing strategies available to its competitors.

w. Exhibit 1054

Exhibit 1054 is an invoice received by Petitioner from its toll manufacturer provided as evidence to support Grounds 2-3 of the Petition and the sale of Petitioner's UP-50 product prior to August 5, 2022. Petitioner redacts select information that would reveal sensitive business information, including customer and toll manufacturer names, addresses, contact information, product quantities, pricing information, and other financial data not relevant here. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner would be harmed by the disclosure of this information because such disclosure would reveal Petitioner's business relationships with its customers, toll manufacturer, and shipping carriers, as well as harm Petitioner's business and competitive advantage by making its customer and sales information, financial data and pricing strategies available to its competitors.

x. Exhibit 1055

Exhibit 1055 is a bill of lading provided as evidence to support Grounds 2-3 of the Petition and the sale of Petitioner's UP-50 product prior to August 5, 2022. Petitioner redacts select information that would reveal sensitive business information, including customer names,

addresses, contact information, signatures, product quantities, pricing information, and other financial data not relevant here, as well as the identity of employees belonging to Petitioner's customers, toll manufacturer, and shipping carriers. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner would be harmed by the disclosure of this information because such disclosure would reveal Petitioner's business relationships with its customers, toll manufacturer, and shipping carriers, as well as harm Petitioner's business and competitive advantage by making its customer and sales information, financial data and pricing strategies available to its competitors.

y. Exhibit 1056

Exhibit 1056 is a shipping invoice received by Petitioner from a shipping company provided as evidence to support Grounds 2-3 of the Petition and the sale of Petitioner's UP-50 product prior to August 5, 2022. Petitioner redacts select information that would reveal sensitive business information, including customer names, addresses, contact information, product quantities, pricing information, and other financial data not relevant here, as well as the identity of employees belonging to Petitioner's shipping carriers. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner would be harmed by the disclosure of this information because such disclosure would reveal Petitioner's business relationships with its customers, toll manufacturer, and shipping carriers, as well as harm Petitioner's business and competitive advantage by making its customer information, financial data and pricing strategies available to its competitors.

z. Exhibit 1057

Exhibit 1057 is a purchase order sent by Petitioner to its toll manufacturer provided as evidence to support Grounds 2-3 of the Petition and the sale of Petitioner's UP-50 product prior to August 5, 2022. Petitioner redacts select information that would reveal sensitive business information, including customer names, addresses, contact information, signatures, product quantities, pricing information, and other financial data not relevant here. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner would be harmed by the disclosure of this information because such disclosure would reveal Petitioner's business relationships with its customers, toll manufacturer, and shipping carriers, as well as harm Petitioner's business and competitive advantage by making its customer and sales information, financial data and pricing strategies available to its competitors.

aa. Exhibit 1058

Exhibit 1058 is a customer order email provided as evidence to support Grounds 2-3 of the Petition and the sale of Petitioner's UP-50 product prior to August 5, 2022. Petitioner redacts select information that would reveal sensitive business information, including customer names, addresses, contact information, product quantities, pricing information, and other financial data not relevant here, as well as the identity of employees belonging to Petitioner's customers. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner would be harmed by the disclosure of this information because such disclosure would reveal Petitioner's business relationships with its customers, as well as harm Petitioner's business and competitive advantage by making its customer and sales information, financial data and pricing strategies available to its competitors.

bb. Exhibit 1059

Exhibit 1059 is an invoice created by Petitioner and sent to one of its customers provided as evidence to support Grounds 2-3 of the Petition and the sale of Petitioner's UP-50 product prior to August 5, 2022. Petitioner redacts select information that would reveal sensitive business information, including customer names, addresses, contact information, product quantities, pricing information, and other financial data not relevant here. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner would be harmed by the disclosure of this information because such disclosure would reveal Petitioner's business relationships with its customers, as well as harm Petitioner's business and competitive advantage by making its customer and sales information, financial data and pricing strategies available to its competitors.

cc. Exhibit 1060

Exhibit 1060 is an invoice created by Petitioner and sent to one of its customers provided as evidence to support Grounds 2-3 of the Petition and the sale of Petitioner's UP-50 product prior to August 5, 2022. Petitioner redacts select information that would reveal sensitive business information, including customer names, addresses, contact information, product quantities, pricing information, and other financial data not relevant here. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner would be harmed by the disclosure of this information because such disclosure would reveal Petitioner's business relationships with its customers, as well as harm Petitioner's business and competitive advantage by making its customer and sales information, financial data and pricing strategies available to its competitors.

dd. Exhibit 1061

Exhibit 1061 is an invoice created by Petitioner and sent to one of its customers provided as evidence to support Grounds 2-3 of the Petition and the sale of Petitioner's UP-50 product prior to August 5, 2022. Petitioner redacts select information that would reveal sensitive business information, including customer names, addresses, contact information, product quantities, pricing information, and other financial data not relevant here. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner would be harmed by the disclosure of this information because such disclosure would reveal Petitioner's business relationships with its customers, as well as harm Petitioner's business and competitive advantage by making its customer and sales information, financial data and pricing strategies available to its competitors.

ee. Exhibit 1062

Exhibit 1062 is an invoice received by Petitioner from a shipping company provided as evidence to support Grounds 2-3 of the Petition and the sale of Petitioner's UP-50 product prior to August 5, 2022. Petitioner redacts select information that would reveal sensitive business information, including customer names, addresses, contact information, product quantities, pricing information, and other financial data not relevant here, as well as the identity of employees belonging to Petitioner's shipping carriers. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner would be harmed by the disclosure of this information because such disclosure would reveal Petitioner's business relationships with its customers, toll manufacturer, and shipping carriers, as well as harm

Petitioner's business and competitive advantage by making its customer information, financial data and pricing strategies available to its competitors.

ff. Exhibit 1065

Exhibit 1065 is an invoice created by a third-party solvent company provided as evidence to support Grounds 1, 3, 6, and 8 of the Petition and the sale of the third-party solvent company's HCS-25 product. Petitioner redacts select information that would reveal sensitive business information belonging to a third-party that is not part of this PGR, including customer names, addresses, contact information, product quantities, pricing information, and other financial data not relevant here. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. The third party would be harmed by the disclosure of this information because such disclosure would reveal the third party's business relationships with its customers, as well as harm its business and competitive advantage by making its customer and sales information, financial data and pricing strategies available to its competitors.

gg. Exhibit 1066

Exhibit 1066 is an invoice created by a third-party solvent company provided as evidence to support Grounds 1, 3, 6, and 8 of the Petition and the sale of the third-party solvent company's HCS-25 product. Petitioner redacts select information that would reveal sensitive business information belonging to a third-party that is not part of this PGR, including customer names, addresses, contact information, product quantities, pricing information, and other financial data not relevant here. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. The third party would be harmed by the disclosure of this information because such disclosure would reveal the third party's business relationships with its

customers, as well as harm its business and competitive advantage by making its customer and sales information, financial data and pricing strategies available to its competitors.

hh. Exhibit 1070

Exhibit 1070 is an evaluation report prepared by one of Petitioner's customers provided as evidence to support Grounds 2-6 of the petition and that Petitioner's UP-50 product was reduced to practice at least as early as December 3, 2020. Petitioner redacts select information that would reveal trade secrets and proprietary laboratory analysis methods and results not relevant here. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner and the third party involved in evaluating Petitioner's products would be harmed by the disclosure of this information because such disclosure of trade secrets and proprietary product research and development methods would harm the competitive advantage of Petitioner and the third party involved in evaluating Petitioner's products by making product development and analysis strategies available to competitors.

ii. Exhibit 1071

Exhibit 1071 is an evaluation report prepared by one of Petitioner's customers provided as evidence to support Grounds 2-6 of the petition and that Petitioner's UP-50 product was reduced to practice at least as early as December 3, 2020. Petitioner redacts select information that would reveal trade secrets and proprietary laboratory analysis methods and results not relevant here. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner and the third party involved in evaluating Petitioner's products would be harmed by the disclosure of this information because such disclosure of trade secrets and proprietary product research and development methods would harm the competitive advantage of

Petitioner and the third party involved in evaluating Petitioner's products by making product development and analysis strategies available to competitors.

jj. Exhibit 1072

Exhibit 1072 is an evaluation report prepared by one of Petitioner's customers provided as evidence to support Grounds 2-6 of the petition and that Petitioner's UP-50 product was reduced to practice at least as early as December 3, 2020. Petitioner redacts select information that would reveal trade secrets and proprietary laboratory analysis methods and results not relevant here, including evaluation data for products besides Petitioner's UP-50 product, which are not relevant to any grounds raised in this PGR. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner and the third party involved in evaluating Petitioner's products would be harmed by the disclosure of this information because such disclosure of trade secrets and proprietary product research and development methods would harm the competitive advantage of Petitioner and the third party involved in evaluating Petitioner's products by making product development and analysis strategies available to competitors.

kk. Exhibit 1073

Exhibit 1073 is an evaluation report presentation prepared by one of Petitioner's customers provided as evidence to support Grounds 2-6 of the petition and that Petitioner's UP-50 product was reduced to practice at least as early as December 3, 2020. Petitioner redacts select information that would reveal trade secrets and proprietary laboratory analysis methods and results not relevant here, including evaluation data for products besides Petitioner's UP-50 product, which are not relevant to any grounds raised in this PGR. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner and the third party involved

in evaluating Petitioner's products would be harmed by the disclosure of this information because such disclosure of trade secrets and proprietary product research and development methods would harm the competitive advantage of Petitioner and the third party involved in evaluating Petitioner's products by making product development and analysis strategies available to competitors.

ll. Exhibit 1074

Exhibit 1074 is an evaluation report presentation prepared by one of Petitioner's customers provided as evidence to support Grounds 2-6 of the petition and that Petitioner's UP-50 product was reduced to practice at least as early as December 3, 2020. Petitioner redacts select information that would reveal trade secrets and proprietary laboratory analysis methods and results not relevant here, including evaluation data for products besides Petitioner's UP-50 product, which are not relevant to any grounds raised in this PGR. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner and the third party involved in evaluating Petitioner's products would be harmed by the disclosure of this information because such disclosure of trade secrets and proprietary product research and development methods would harm the competitive advantage of Petitioner and the third party involved in evaluating Petitioner's products by making product development and analysis strategies available to competitors.

mm. Exhibit 1076

Exhibit 1076 is a presentation report prepared by Petitioner provided as evidence to support Grounds 2-6 of the petition and that Petitioner's UP-50 product was reduced to practice at least as early as December 3, 2020. Petitioner redacts select information that would reveal trade secrets and proprietary laboratory analysis methods and results not relevant here, including evaluation data for products besides Petitioner's UP-50 product, which are not relevant to any grounds raised in this PGR. None of the redacted information has been made available to the public. In addition,

none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner would be harmed by the disclosure of this information because such disclosure of trade secrets and proprietary product research and development methods would harm Petitioner's competitive advantage by making its product development and analysis strategies available to competitors.

nn. Exhibit 1077

Exhibit 1077 is a report prepared by Petitioner provided as evidence to support Grounds 2-6 of the petition and that Petitioner's UP-50 product was reduced to practice at least as early as December 3, 2020. Petitioner redacts select information that would reveal trade secrets and proprietary laboratory analysis methods and results not relevant here, including evaluation data for products besides Petitioner's UP-50 product, which are not relevant to any grounds raised in this PGR. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner would be harmed by the disclosure of this information because such disclosure of trade secrets and proprietary product research and development methods would harm Petitioner's competitive advantage by making its product development and analysis strategies available to competitors.

oo. Exhibit 1079

Exhibit 1079 is a business development and exclusive supply agreement and amendments between Petitioner and one of its customers provided as evidence to support Grounds 4-6 of the Petition. Petitioner redacts select information that would reveal sensitive business information, including customer names, addresses, contact information, signatures, product quantities, marketing strategy, pricing information, and other financial data not relevant here, as well as sensitive contractual information not relevant here. None of the redacted information has been

made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. Petitioner would be harmed by the disclosure of this information because such disclosure would reveal Petitioner's business strategies and arrangements with its customers who are not parties to this PGR, as well as harm Petitioner's business and competitive advantage by making its customer and sales information, financial data, marketing, and pricing strategies available to its competitors.

pp. Exhibit 1081

Exhibit 1081 is a copy of a third party's (one of Petitioner's customers) email communications provided as evidence to support Grounds 2-3 of the Petition and as evidence that Petitioner's UP-50 product was sold by Petitioner prior to August 5, 2022 and subsequently used by Petitioner's customer to treat wood prior to August 5, 2022. Petitioner redacts select information that would reveal sensitive third-party information, including third-party employee names and email addresses, as well as third-party trade secret information related to producing treated wood products and the process for implementing UP-50 into a large-scale wood treatment process. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. The third party involved in these communications would be harmed by the disclosure of this information because such disclosure would reveal the third party's trade secrets and harm its business and competitive advantage by making such trade secrets available to its competitors, including Patent Owner.

qq. Exhibit 1082

Exhibit 1082 is a copy of a third party's (one of Petitioner's customers) email communications provided as evidence to support Grounds 2-3 of the Petition and as evidence that Petitioner's UP-50 product was sold by Petitioner prior to August 5, 2022 and subsequently used

by Petitioner's customer to treat wood prior to August 5, 2022. Petitioner redacts select information that would reveal sensitive third-party information, including third-party employee names and email addresses, as well as third-party confidential business information and trade secret information related to the implementation of UP-50 into a large-scale wood treatment processes at the third-party's facilities. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. The third party involved in these communications would be harmed by the disclosure of this information because such disclosure would reveal the third party's confidential business information and trade secrets and harm its business and competitive advantage by making such confidential business information and trade secrets available to its competitors, including Patent Owner.

rr. Exhibit 1083

Exhibit 1083 is a copy of a third party's (one of Petitioner's customers) wood treatment records for wood pressure-treated with UP-50, which is provided as evidence to support Grounds 2-3 of the Petition and as evidence that Petitioner's UP-50 product was sold by Petitioner prior to August 5, 2022 and subsequently used by Petitioner's customer to treat wood prior to August 5, 2022. Petitioner redacts select information that would reveal sensitive third-party information, including financial information, customer order information, and third-party trade secret and proprietary information related to the processes and parameters for producing treated wood products. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. The third party would be harmed by the disclosure of this information because such disclosure would reveal the third party's financial, customer, trade secret, and proprietary manufacturing information and harm its business and competitive

advantage by making such financial, customer, trade secret, and proprietary manufacturing information available to its competitors, including Patent Owner.

ss. Exhibit 1084

Exhibit 1084 is a third party's (one of Petitioner's customers) purchase order and associated order fulfillment documents including an order confirmation, invoice, and bill of lading provided as evidence to support Grounds 2-3 of the Petition and as evidence that Petitioner's customer treated wood with UP-50 and subsequently sold wood treated with UP-50 prior to August 5, 2022. Petitioner redacts select information that would reveal sensitive third-party business information, including employee names and email addresses, as well as customer names, addresses, contact information, product quantities, pricing information, and other financial data not relevant here. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. The third party would be harmed by the disclosure of this information because such disclosure would reveal the third party's business relationships with its customers, as well as harm the third party's business and competitive advantage by making its customer and sales information, financial data and pricing strategies available to its competitors, including Patent Owner.

tt. Exhibit 1085

Exhibit 1085 is a third party's (one of Petitioner's customers) invoice provided as evidence to support Grounds 2-3 of the Petition and as evidence that Petitioner's customer treated wood with UP-50 and subsequently sold wood treated with UP-50 prior to August 5, 2022. Petitioner redacts select information that would reveal sensitive third-party business information, including employee names and email addresses, as well as customer names, addresses, contact information, product quantities, pricing information, and other financial data not relevant here. None of the redacted information has been made available to the public. In addition, none of the redacted

information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. The third party would be harmed by the disclosure of this information because such disclosure would reveal the third party's business relationships with its customers, as well as harm the third party's business and competitive advantage by making its customer and sales information, financial data and pricing strategies available to its competitors, including Patent Owner.

uu. Exhibit 1086

Exhibit 1086 is a copy of a third party's (one of Petitioner's customers) wood treatment records for wood pressure-treated with UP-50, which is provided as evidence to support Grounds 2-3 of the Petition and as evidence that Petitioner's UP-50 product was sold by Petitioner prior to August 5, 2022 and subsequently used by Petitioner's customer to treat wood prior to August 5, 2022. Petitioner redacts select information that would reveal sensitive third-party information, including financial information, customer order information, and third-party trade secret and proprietary information related to the processes and parameters for producing treated wood products. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. The third party would be harmed by the disclosure of this information because such disclosure would reveal the third party's financial, customer, trade secret, and proprietary manufacturing information and harm its business and competitive advantage by making such financial, customer, trade secret, and proprietary manufacturing information available to its competitors, including Patent Owner.

vv. Exhibit 1087

Exhibit 1087 is a declaration by one of Petitioner's third party customers provided as evidence to support Grounds 1-9 of the Petition, as evidence that UP-50 is used with an organic solvent, and as evidence that Petitioner's UP-50 product was sold by Petitioner prior to August 5,

2022 and subsequently used by Petitioner's customers to treat wood prior to August 5, 2022. Petitioner redacts select sensitive third-party business information, including trade secret and proprietary information related to the development of a large-scale commercial process for the use of Petitioner's UP-50 product to produce treated wood products. The large-scale commercial process for the use of Petitioner's UP-50 product to produce treated wood products is proprietary to the third party and the result of its own research and development. Petitioner also redacts the name of the Declarant because the name of the Declarant could be used to identify the name of Petitioner's third-party customer. None of the redacted information has been made available to the public. In addition, none of the redacted information is relevant to the grounds for unpatentability or any other arguments raised in the Petition. The third party would be harmed by the disclosure of this information because such disclosure would reveal the third party's sensitive business and trade secret information and harm its business and competitive advantage by making such sensitive business, financial and trade information available to its competitors, including Patent Owner.

V. CERTIFICATION OF NON-PUBLICATION

To the best of Petitioner's knowledge, the select redacted contents of Exhibits 1011-1012, 1018, 1027, 1031-1039, 1045-1062, 1065-1066, 1070-1074, 1076-1077, 1079, and 1081-1087 have never been made public.

VI. PROPOSED PROTECTIVE ORDER

Concurrent with this motion, Petitioner has filed a Modified Protective Order (Ex1025), which follows the Board's Default Protective Order and adds an additional designation of confidentiality for Outside Attorneys' Eyes Only. Petitioner has also concurrently filed a version of the Modified Protective Order showing redlines of the changes made to the Default Protective Order (Ex1026). *See* Patent Trial and Appeal Board Consolidated Trial Practice Guide, November

2029, at 115 (“the parties may agree to modify the Default Protective Order to provide additional tiers or categories of confidential information, such as “Attorneys’ Eyes Only.”).

The additional designation of confidentiality for Outside Attorneys’ Eyes Only is necessary due to the sensitive nature of confidential business information that will be submitted and because Petitioner and Patent Owner are direct business competitors. Specifically, and as discussed above, Petitioner would be harmed by the disclosure of this information because such disclosure would reveal its Petitioner’s business relationships with its customers, toll manufacturer, and shipping carriers, as well as harm Petitioner’s business and competitive advantage by making trade secrets, financial data, and pricing strategies available to competitors. Upon agreeing to the Modified Protective Order, Patent Owner’s counsel will be able to view the protected confidential information and adequately protect Patent Owner’s interest.

VII. CONCLUSION

Good cause exists to seal Exhibits 1011-1012, 1018, 1027, 1031-1039, 1045-1062, 1065-1066, 1070-1074, 1076-1077, 1079, and 1081-1087 because the public interest in maintaining a complete and understandable record is not affected because Petitioner has provided publicly redacted versions of Exhibits 1011-1012, 1018, 1027, 1031-1039, 1045-1062, 1065-1066, 1070-1074, 1076-1077, 1079, and 1081-1087 that contain all material information relevant to the grounds of unpatentability raised in the Petition. The Board should also enter the Modified Protective Order to prevent the disclosure of confidential business information belonging to Petitioner and its business partners to the public, including Patent Owner who is a direct business competitor of Petitioner.

For the reasons set forth herein, Petitioner respectfully requests the Board to grant this Motion to Seal and to enter the Modified Protective Order.

Date: March 17, 2026

Respectfully submitted,

By: /s/ Thomas J. Wimbiscus

Thomas J. Wimbiscus

Reg. No. 36,059

MCANDREWS HELD AND MALLOY LTD.

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Counsel for Petitioner

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Motion to Seal and for Entry of Proposed Modified Protective Order was served on March 17, 2026, via Express Mail on the Patent Owner at the following address of record as listed on the USPTO Patent Center:

K&L Gates LLP-Pittsburgh
210 Sixth Avenue
Pittsburgh, Pennsylvania, 15222-2613

Date: March 17, 2026

Respectfully submitted,

By: /s/ Priscilla F. Gallagher

Priscilla F. Gallagher
MCANDREWS HELD AND MALLOY LTD.
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Counsel for Petitioner