

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VIANCE, LLC,
Petitioner,

v.

KOPPERS PERFORMANCE CHEMICALS, INC.,
Patent Owner.

PGR2026-00023
U.S. Patent No. 12,370,716

PATENT OWNER'S MOTION TO SEAL

I. INTRODUCTION

Patent Owner, Koppers Performance Chemicals, Inc. (“Patent Owner”) respectfully requests that the confidential version of the Patent Owner’s Brief Requesting that Institution Be Denied on Discretionary Grounds (“Patent Owner’s Discretionary Denial Brief”) be sealed in accordance with the terms of the Protective Order entered in this proceeding. Paper 9 at 1 (“the Protective Order (Ex. 1025) is *entered* and shall govern the conduct of this proceeding with respect to those exhibits placed under seal.”). Good cause exists to seal because Patent Owner’s Discretionary Denial Brief contains information Petitioner has previously designated confidential and filed under seal in this IPR. Patent Owner understands that Petitioner does not oppose this motion to seal.

II. GOVERNING RULES AND PTAB GUIDANCE

Under 35 U.S.C. §316(a)(1), the default rule is that all papers filed in an *inter partes* review are open and available for access by the public, but a party may file a concurrent motion to seal and the information at issue is sealed pending the outcome of the motion. Similarly, 37 C.F.R. § 42.14 provides:

The record of a proceeding, including documents and things, shall be made available to the public, except as otherwise ordered. A party intending a document or thing to be sealed shall file a motion to seal concurrent with the filing of the document or thing to be sealed. The

document or thing shall be provisionally sealed on the receipt of the motion and remain so pending the outcome of the decision on the motion.

Only “confidential information” is protected from disclosure. 35 U.S.C. § 316(a)(7) (“The Director shall prescribe regulations . . . providing for protective orders governing the exchange and submission of confidential information”). In this regard, the Office Trial Practice Guide, 84 Fed. Reg. 64280 (Nov. 21, 2019) provides:

The rules aim to 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.

* * *

Confidential Information: The rules identify 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. 37 C.F.R. § 42.54.

Id.

III. GOOD CAUSE EXISTS TO SEAL

Good cause exists to seal Patent Owner’s Discretionary Denial Brief because it contains information Petitioner has previously designated confidential and filed

under seal in this IPR, including Ex. 1027, Ex. 1079, and Ex. 1087. The Board granted Petitioner's motion to seal those documents (Paper 9), and this motion is consistent with maintaining those protections for that information.

IV. CONCLUSION

For the reasons set forth above, Patent Owner respectfully requests the Board grant this motion to seal.

Dated: May 18, 2026

Respectfully submitted,

/Robert Riddle/

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Counsel for Patent Owner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on March 25, 2026, a true and correct copy of the foregoing Patent Owner's Motion to Seal was served by electronic mail on Petitioner's lead and backup counsel at the following email addresses: PGR2026-00023@mcandrews-ip.com.

Date: May 18, 2026

/Robert Riddle/
Robert R. Riddle, Reg. No. 69,599