

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

IN RE NEO WIRELESS LLC  
PATENT LITIGATION

2:22-MD-03034-TGB

HON. TERRENCE G. BERG

JURY TRIAL DEMANDED

**PLAINTIFF’S UNOPPOSED MOTION FOR LEAVE TO FILE UNDER  
SEAL PORTIONS OF THEIR OPPOSITION TO DEFENDANTS’ MOTION  
TO COMPEL PRODUCTION OF NEO’S LICENSING NEGOTIATIONS  
WITH AVANCI AND EXHIBITS A AND B THERETO**

Pursuant to Local Rule 5.3(b), Plaintiff Neo Wireless, LLC (“Neo”), respectfully moves for an Order permitting Neo to file portions of their Response to Defendants’ Motion to Compel Production of Neo’s Licensing Negotiations with Avanci, the supporting Declaration of William Marino, and the following exhibits under seal:

- Exhibit A – Email communications between Neo and Defendants regarding MDL-wide Discovery Issues sent between October 4, 2023 and October 6, 2023.
- Exhibit B – Plaintiff Neo Wireless LLC’s Third Supplemental Responses and Objections to Defendants’ First Set of Common Interrogatories (No. 2), dated September 27, 2023.

Exhibits A and B contain highly confidential information regarding licensing negotiations and discussions of licensing negotiation details, including information that has been designated Highly Confidential – Attorneys’ Eyes Only by Neo pursuant to the Protective Order (ECF No. 125) entered in this case, or otherwise describe or quote such designated materials.

Determination of a motion for leave to file under seal is within the sound discretion of the district court. *Meyer Goldberg, Inc. v. Fisher Foods, Inc.*, 823 F.2d 159, 161 (6th Cir. 1987). The right of the public to access judicial records “is not absolute,” and the Sixth Circuit recognizes that “certain privacy rights of participants” are significant interests which can outweigh the public’s right to access. *Brown & Williamson Tobacco Corp. v. F.T.C.*, 710 F.2d 1165, 1179 (6th Cir. 1983) (citing *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978)) (additional citations omitted).

Here, the information sought to be filed under seal includes discussions of licensing negotiation details, including information that has been designated Highly Confidential Attorneys’ Eyes Only by Neo, or is otherwise subject to a non-disclosure agreement between Plaintiff and Avanci. Neo’s Opposition, the supporting Declaration, and the exhibits thereto should be permitted to be filed under seal to respect the privacy rights of the parties. *See id.* at 1179. These exhibits should be permitted to be filed under seal to respect the competitive

advantage that the parties achieve by keeping detailed financial information private. *See Apple Inc. v. Samsung Elecs., Co.*, 727 F3d 1214, 1225–26 (Fed. Cir. 2013) (holding the district court abused its discretion in ordering unsealing as such the parties have “a significant interest in preventing the release of their detailed financial information.”). Good cause therefore exists for the proposed sealed filing, and no opposition exists.

Redacted and unredacted copies of Plaintiff’s Response to Defendants’ Motion to Compel and Declaration of William Marino are provided with this filing pursuant to L.R. 5.3(b)(3)(A)(v) and (vi).

Counsel for Neo contacted counsel for Defendants on October 11, 2023, via electronic mail, regarding the relief requested in this motion. Counsel for Defendants concur in the relief requested in this motion.

For the reasons set forth above, the Neo respectfully requests that the Court grant its Unopposed Motion for Leave to File Under Seal.

A proposed Order is concurrently submitted through the ECF system.

DATED: October 11, 2023

Respectfully submitted,

/s/ Christopher S. Stewart  
Jason D. Cassady  
Texas State Bar No. 24045625  
Email: jcassady@caldwellcc.com  
Christopher S. Stewart  
Texas State Bar No. 24079399

Email: [cstewart@caldwellcc.com](mailto:cstewart@caldwellcc.com)  
**CALDWELL CASSADY CURRY  
P.C.**

2121 N. Pearl St., Suite 1200  
Dallas, Texas 75201  
Telephone: (214) 888-4848  
Facsimile: (214) 888-4849

Jaye Quadrozzi (P71646)  
Email: [quadrozzi@youngpc.com](mailto:quadrozzi@youngpc.com)  
**YOUNG, GARCIA &  
QUADROZZI, PC**  
2775 Stansbury Blvd., Suite 125  
Farmington Hills, Michigan 48334  
Telephone: (248) 353-8620

**ATTORNEYS FOR PLAINTIFF  
NEO WIRELESS LLC**

**CERTIFICATE OF SERVICE**

I certify that counsel of record is being served with a copy of the foregoing document via the Court's CM/ECF system on October 11, 2023.

/s/ Christopher S. Stewart  
Christopher S. Stewart