

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

IN RE NEO WIRELESS, LLC  
PATENT LITIG.

Case No.: 2:22-md-03034-TGB

Hon. Terrence G. Berg

---

**DEFENDANTS' UNOPPOSED MOTION FOR LEAVE TO FILE UNDER  
SEAL PORTIONS OF THEIR REPLY IN SUPPORT OF THEIR MOTION  
TO COMPEL PRODUCTION OF NEO'S LICENSING NEGOTIATIONS  
WITH AVANCI**

Pursuant to Local Rule 5.3(b), Defendants respectfully move for an Order permitting them to file portions of their reply brief in support of their Motion to Compel Production of Neo's Licensing Negotiations with Avanci under seal.

A determination on a motion for leave to file under seal is made pursuant to 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." *Brown & Williamson Tobacco Corp. v. F.T.C.*, 710 F.2d 1165, 1179 (6th Cir. 1983). The Sixth Circuit recognizes that "certain privacy rights of participants" are significant interests which can outweigh the public's right to access. *Id.* (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 confidential negotiations, including information that has been designated Highly Confidential Attorneys' Eyes Only by parties to this action and information designed Confidential by a third party. Such information should therefore be permitted to be filed under seal to respect the parties' privacy and to respect that parties' competitive advantages gains by maintaining such information confidential. *See Brown & Williams*, 710 F.2d at 1179; *Apple Inc. v. Samsung Elecs., Co.*, 727 F.3d 1214, 1225-26 (Fed. Cir. 2013). Good cause therefore exists, and there is no opposition.

Redacted and unredacted copies of Defendants' reply in support of their Motion to Compel are provided with this filing pursuant to Local Rule 5.3(b)(3)(A)(v)-(vi). Counsel for Neo Wireless, LLC confirmed via email that it does not oppose the relief requested in this motion.

For the reasons set forth above, Defendants respectfully request 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 18, 2023

/s/ Joseph A. Herriges (with consent)

Joseph A. Herriges, MN Bar No.  
390350  
Conrad A. Gosen, MN Bar No.  
0395381  
James Huguenin-Love, MN Bar No.  
0398706  
FISH & RICHARDSON P.C.  
60 South Sixth Street, Suite 3200  
Minneapolis, MN 55402  
Telephone: (612) 335-5070  
Facsimile: (612) 288-9696  
herriges@fr.com, gosen@fr.com,  
huguein-love@fr.com

Michael J. McKeon, DC Bar No.  
459780  
Christian Chu, DC Bar No. 483948  
Jared Hartzman, DC Bar No.  
1034255  
Joshua Carrigan, VA Bar No. 96911  
FISH & RICHARDSON P.C.  
1000 Maine Avenue SW, Suite 1000  
Washington, DC 20024  
Telephone: (202) 783-5070  
Facsimile: (202) 783-2331  
mckeon@fr.com, chu@fr.com,  
hartzman@fr.com, carrigan@fr.com

J. Michael Huget (P39150)  
Sarah E. Waidelich (P80225)  
HONIGMAN LLP  
315 East Eisenhower Parkway  
Suite 100  
Ann Arbor, MI 48108  
Tel: (734) 418-4254  
Fax: (734) 418-4255  
mhuget@honigman.com,

Respectfully submitted,

/s/ Justin B. Weiner

Susan M. McKeever  
Justin B. Weiner  
Bush Seyferth PLLC  
100 West Big Beaver Road  
Suite 400  
Troy, MI 48084  
(248) 822-7851  
mckeever@bsplaw.com  
weiner@bsplaw.com

Daniel E. Yonan  
Deirdre M. Wells  
Ryan C. Richardson  
William H. Milliken  
Anna G. Phillips  
Sterne, Kessler, Goldstein & Fox  
P.L.L.C  
1100 New York Avenue NW  
Suite 600  
Washington, DC 20005  
(202) 371-2600  
dyonan@sternekessler.com  
dwells@sternekessler.com  
rrichardson@sternekessler.com  
wmilliken@sternekessler.com  
aphillips@sternekessler.com

*Counsel for Defendants*  
**VOLKSWAGEN GROUP OF  
AMERICA, INC. AND  
VOLKSWAGEN GROUP OF  
AMERICA CHATTANOOGA  
OPERATIONS, INC.**

swaidelich@honigman.com

***Counsel for Defendants***  
**GENERAL MOTORS COMPANY  
AND GENERAL MOTORS LLC**

/s/ John T. Johnson (with consent)

John T. Johnson  
Jeffrey Mok  
FISH & RICHARDSON P.C.  
7 Times Square, 20th Floor  
New York, NY 10036  
Telephone: (212) 765-5070  
Facsimile: (212) 258-2291  
E-mail: jjohnson@fr.com

Ruffin B. Cordell  
Benjamin J Christoff  
FISH & RICHARDSON P.C.  
1000 Maine Avenue, S.W.  
Suite 1000 Washington, D.C. 20024  
Telephone: (202) 783-5070  
Facsimile: (202) 783-2331  
E-mail: Cordell@fr.com  
Thomas Branigan (P41774)

Bowman and Brooke LLP  
41000 Woodard Avenue, 200 East  
Bloomfield Hills, MI 48304  
Telephone: (248) 205-3300  
Facsimile: (248) 205-3399  
thomas.branigan@bowmanandbrook  
e.com

***Counsel for Defendants***  
**AMERICAN HONDA MOTOR  
CO., INC. AND HONDA  
DEVELOPMENT &  
MANUFACTURING OF  
AMERICA, LLC**

/s/ Thomas H. Reger II (with consent)

Thomas H. Reger II  
Texas Bar No. 24032992  
reger@fr.com  
FISH & RICHARDSON P.C.  
1717 Main Street, Suite 5000  
Dallas, TX 75201  
Telephone: (214) 747-5070

Lawrence Jarvis  
Georgia Bar No. 102116  
jarvis@fr.com  
FISH & RICHARDSON P.C.  
1180 Peachtree Street NE, 21st  
Floor  
Atlanta, Georgia 30309  
Telephone: (404) 892-5005  
Facsimile: (404) 892-5002

Elizabeth G.H. Ranks  
Massachusetts Bar No. 693679  
ranks@fr.com  
FISH & RICHARDSON P.C.  
1 Marina Park Drive  
Boston, Massachusetts 02210  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906

J. Michael Huget (P39150)  
Sarah E. Waidelich (P80225)  
HONIGMAN LLP  
315 East Eisenhower Parkway  
Suite 100  
Ann Arbor, MI 48108

Tel: (734) 418-4254  
mhuget@honigman.com  
swaidelich@honigman.com

***Counsel for Defendant***  
**TESLA, INC.**

/s/ Peter J. Brennan (with consent)  
Reginald J. Hill (IL Bar #6225173)  
Peter J. Brennan (IL Bar #6190873)  
JENNER & BLOCK LLP  
353 N. Clark St.  
Chicago, IL 60654  
Telephone: (312) 222-9350  
rhill@jenner.com  
pbrennan@jenner.com

***Counsel for Defendants***  
**NISSAN NORTH AMERICA INC.**  
**AND NISSAN MOTOR**  
**ACCEPTANCE CORPORATION**  
**a/k/a NISSAN MOTOR**  
**ACCEPTANCE COMPANY LLC**

/s/ Frank C. Cimino, Jr. (with consent)  
Frank C. Cimino, Jr.  
Megan S. Woodworth  
Jonathan L. Falkler  
Robert C. Tapparo  
VENABLE LLP  
600 Massachusetts Avenue, NW  
Washington, DC 20001  
(202) 344-4569  
FCCimino@Venable.com  
MSWoodworth@Venable.com  
JLFalkler@Venable.com  
RCTapparo@Venable.com

Patrick G. Seyferth (P47575)  
Susan M. McKeever (P73533)  
BUSH SEYFERTH PLLC  
100 W. Big Beaver Road, Suite 400  
Troy, MI 48084  
(248) 822-780  
seyferth@bsplaw.com  
mckeever@bsplaw.com

***Counsel for Defendant***  
**FCA US LLC**

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.