

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

Respectfully submitted,

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