

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

IN RE NEO WIRELESS, LLC
PATENT LITIG.

Case No. 2:22-md-03034-TGB
HON. TERRENCE G. BERG
JURY TRIAL DEMANDED

**PLAINTIFF’S UNOPPOSED MOTION FOR LEAVE TO FILE
PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT ON
DEFENDANTS’ INEQUITABLE CONDUCT AND UNCLEAN
HANDS DEFENSES AND CERTAIN EXHIBITS UNDER SEAL**

Pursuant to Local Rule 5.3(b), Plaintiff Neo Wireless, LLC (“Neo”), respectfully requests entry of an order granting leave to file under seal their Motion for Summary Judgment on Defendants’ Inequitable Conduct and Unclean Hands with the following exhibits under seal:

Exhibit	Description
Exhibit I:	2023-12-20 Defendants’ Second Supplemental Invalidity and Unenforceability Contentions (HC-AEO)
Exhibit J:	Linck Report (HC-AEO)
Exhibit K:	Linck Report Exhibit F (HC-AEO)
Exhibit L:	Dr. Xiaodong Li - Condensed Transcript (June 27, 2023) (HC-AEO)
Exhibit Q:	Harry Bims - Condensed Transcript (May 22, 2024) (HC-AEO)
Exhibit R:	Michael R. Buehrer - Condensed Transcript (May 22, 2024) (HC-AEO)

Exhibit	Description
Exhibit S:	Jonathan Wells - Condensed Transcript (May 1, 2024) (HC-AEO)
Exhibit W:	Mahon Rebuttal Report (HC-AEO)
Exhibit X:	Wells Opening Report (HC-AEO)
Exhibit Y:	Bims Opening Report (HC-AEO)
Exhibit Z:	Buehrer Opening Report (HC-AEO)
Exhibit AA:	Titus Lo - Condensed Transcript (June 28, 2023) (HC-AEO)
Exhibit BB:	Ruifeng Wang - Condensed Transcript (July 29, 2023) (HC-AEO)
Exhibit EE:	2000-11-08 AT&T Email (HC-AEO)
Exhibit FF:	2000-06-06 AT&T Email (HC-AEO)
Exhibit GG:	2000-11-29 AT&T Email (HC-AEO)
Exhibit HH:	2000-01-11 AT&T Email (HC-AEO)
Exhibit II:	AT&T White Paper (HC-AEO)

Exhibits I-L, Q-S, W-Z, AA-BB, and EE-II all contain “Confidential” or “Highly Confidential – Attorneys Eyes Only” information pursuant to the Protective Order (ECF No. 125) entered in this case, or otherwise describe or quote such designated materials. Exhibits I, Q-S, X-Z were designated by Defendants. Exhibits J-L, W, AA-BB were designated by Neo. Exhibits EE-II were designated by third-party AT&T. Plaintiff Neo’s Motion for Summary Judgment on Defendants’

Inequitable Conduct and Unclean Hands contains information designated by Neo, Defendants, as well as third parties.

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 confidential and highly confidential information (such as developmental and technical information) for the parties in this case and/or relevant third parties. Neo’s Motion, the supporting Brief, 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 F.3d 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.

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: June 20, 2024

Respectfully submitted,

/s/ Jason D. Cassady

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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 CM/ECF system on June 20, 2024.

/s/ Jason D. Cassady
Jason D. Cassady

CERTIFICATE OF CONFERENCE

Counsel for Neo contacted counsel for Defendants on June 19th, 2024, via electronic mail, regarding the relief requested in this motion. Counsel for Defendants concur in the relief requested in this motion.

/s/ Jason D. Cassady
Jason D. Cassady