

**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 BRIEF IN OPPOSITION  
TO DEFENDANTS’ MOTION TO EXCLUDE 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 Plaintiff’s Brief in Opposition to Defendants’ Motion to Exclude with the following exhibits under seal:

Exhibit	Description
Exhibit A:	Excerpts from Meyer Rebuttal Report (HC-AEO) – <b>FILED UNDER SEAL</b>
Exhibit B:	Excerpts from Bakewell Rebuttal Report (HC-AEO) – <b>FILED UNDER SEAL</b>
Exhibit C:	Excerpts from Dean Deposition Transcript (HC-AEO) – <b>FILED UNDER SEAL</b>
Exhibit D:	Excerpts from Neo Presentation to Volkswagen (HC-AEO) – <b>FILED UNDER SEAL</b>
Exhibit E:	Excerpts from Neo Presentation to Mercedes (HC-AEO) – <b>FILED UNDER SEAL</b>
Exhibit F:	Excerpts from Dean Rebuttal Report (HC-AEO) – <b>FILED UNDER SEAL</b>

Exhibit	Description
Exhibit G:	Excerpts from Harvey Deposition Transcript <b>(HC-AEO) – FILED UNDER SEAL</b>
Exhibit H:	Mahon Opening Base Report – Ford <b>(HC-AEO) – FILED UNDER SEAL</b>
Exhibit I:	Mahon Opening Report – Appendix I – Ford <b>(HC-AEO) – FILED UNDER SEAL</b>
Exhibit J:	Mahon Opening Report – Appendix J – Ford <b>(HC-AEO) – FILED UNDER SEAL</b>
Exhibit K:	Mahon Opening Report – Appendix K – Ford <b>(HC-AEO) – FILED UNDER SEAL</b>
Exhibit L:	Mahon Opening Report – Appendix L – Ford <b>(HC-AEO) – FILED UNDER SEAL</b>
Exhibit M:	Mahon Opening Report – Appendix M – Ford <b>(HC-AEO) – FILED UNDER SEAL</b>
Exhibit N:	Mahon Opening Report – Appendix N – Ford <b>(HC-AEO) – FILED UNDER SEAL</b>
Exhibit P:	Mahon Opening Report – Appendix B – Ford <b>(HC-AEO) – FILED UNDER SEAL</b>
Exhibit R:	Mahon Opening Report – Appendix E – Ford <b>(HC-AEO) – FILED UNDER SEAL</b>
Exhibit S:	Mahon Opening Report – Appendix F – Ford <b>(HC-AEO) – FILED UNDER SEAL</b>
Exhibit T:	Mahon Opening Report – Appendix F – Annex 1 – Ford <b>(HC-AEO) – FILED UNDER SEAL</b>
Exhibit U:	Mahon Opening Report – Appendix F – Annex 1 – Compiled Excerpts from All Defendant Versions <b>(HC-AEO) – FILED UNDER SEAL</b>

Exhibit	Description
Exhibit V:	Mahon Opening Report – Appendix G – Ford <b>(HC-AEO) – FILED UNDER SEAL</b>
Exhibit Z:	Excerpt from Jones Report <b>(HC-AEO) – FILED UNDER SEAL</b>
Exhibit AA:	Excerpt from Wells Deposition Transcript <b>(HC-AEO) – FILED UNDER SEAL</b>
Exhibit BB:	Excerpt from Bims Deposition Transcript <b>(HC-AEO) – FILED UNDER SEAL</b>

Exhibits A-N, P, R-V, and Z-BB 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 AA-BB were designated by Defendants and comprise expert deposition transcripts. Exhibits A-N, P, R-V, and Z were designated by Neo and comprise expert reports, expert deposition transcripts, and confidential licensing presentations.

Exhibits I, P, and Z may contain “QUALCOMM – OUTSIDE ATTORNEYS’ EYES ONLY – SOURCE CODE” information pursuant to the Supplemental Protective Order (ECF No. 126) 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 confidential and highly confidential information (such as source code, financials, licensing communications, technical information, etc.) for the parties in this case, as well as 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 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.

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.

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