

**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 FOR SUMMARY JUDGMENT 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 for Summary Judgment with the following exhibits under seal:

Exhibit	Description
Exhibit B:	Excerpts of Mahon Deposition Transcript (HC-AEO) – REDACTED
Exhibit C:	Excerpts of Mahon Report – Appendix K – Ford (HC-AEO) – FILED UNDER SEAL
Exhibit D:	Excerpts of Mahon Report – Appendix R – Ford (HC-AEO) – FILED UNDER SEAL
Exhibit F:	FCA’s Sixth Supplemental Response Neo’s First Set of Interrogatories (HC-AEO) – FILED UNDER SEAL
Exhibit H:	Excerpts of Schell Deposition Transcript (HC-AEO) – FILED UNDER SEAL
Exhibit N:	Neo’s First Supplemental Response to Defendants’ First Set of Interrogatories (HC-AEO) – FILED UNDER SEAL

Exhibit	Description
Exhibit O:	Mahon Opening Report – Appendix F – GM (HC-AEO) – FILED UNDER SEAL
Exhibit Q:	LG Declaration (HC-AEO) – FILED UNDER SEAL

Exhibits B-D, F, H, N-O, and Q 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 F and H were designated by Defendants and comprise an interrogatory response and a deposition transcript. Exhibits B-D and N-O were designated by Neo and comprise interrogatory responses, expert report sections, and expert deposition transcripts. Exhibit Q was designated by a third-party to this case and comprises a technical declaration.

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.

DATED: July 18, 2024

Respectfully submitted,
/s/ Christopher S. Stewart

Jason D. Cassady
Texas Bar No. 24045625
Email: jcassady@caldwellcc.com
Christopher S. Stewart
Texas Bar No. 24079399
Email: cstewart@caldwellcc.com
Daniel R. Pearson
Texas Bar No. 24070398
Email: dpearson@caldwellcc.com
Hamad M. Hamad
Texas Bar No. 24061268
Email: hhamad@caldwellcc.com
Bailey A. Blaies
Texas Bar No. 24109297
Email: bblaies@caldwellcc.com
Bjorn. A. Blomquist
Texas Bar No. 24125125
Email: bblomquist@caldwellcc.com
James F. Smith
Texas Bar No. 24129800
Email: jsmith@caldwellcc.com
James Yang
California Bar No. 329979
Email: jyang@caldwellcc.com
Alexander J. Gras
Texas Bar No. 24125252
Email: agras@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: jcquadrozzi@varnumlaw.com
VARNUM LLP
480 Pierce Street, Suite 300
Birmingham, Michigan 48009
Telephone: (248) 567-7800
Facsimile: (214) 567-7423

**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 July 18, 2024.

/s/ Christopher S. Stewart

Christopher S. Stewart

CERTIFICATE OF CONFERENCE

Counsel for Neo communicated with counsel for Defendants on July 18th, 2024, via electronic mail, regarding the relief requested in this motion. Counsel for Defendants concur in the relief requested in this motion.

/s/ Christopher S. Stewart

Christopher S. Stewart