

UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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SAMSUNG ELECTRONICS CO., LTD.,  
SAMSUNG ELECTRONICS AMERICA, INC.  
Petitioner,

v.

NANOCO TECHNOLOGIES LIMITED,  
Patent Owner.

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Case No. IPR2021-00186  
Patent No. 8,524,365 B2

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**JOINT MOTION TO EXPUNGE AND REPLACE EXHIBIT 2032 AND  
WITHDRAW MOTION TO SEAL AND FOR A PROTECTIVE ORDER**

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Pursuant to the Board’s email of September 15, 2021, authorizing this motion, Petitioners Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, “Petitioner”) and Patent Owner Nanoco Technologies Limited jointly move to (1) expunge the current version of Exhibit 2032 (“Exhibit 2032”) and replace it with an agreed-upon redacted version (“Redacted Exhibit 2032”) and (2) withdraw Patent Owner’s Motion to Seal and for a Protective Order and Petitioner’s response to that motion.

## **I. BACKGROUND**

Patent Owner filed a Motion to Seal and to Enter Default Protective Order Pursuant to 37 C.F.R. § 42.54 (“Motion”), seeking to seal portions of Patent Owner’s Response and Exhibit 2030, as well as the entirety of Exhibits 2032 and 2034.<sup>1</sup> Paper 27 at 1. In response, Petitioner addressed why the Motion had been filed, but that the parties had subsequently worked together to resolve the dispute. *See* Paper 29 at 2-3.

Specifically, the parties agreed that Patent Owner’s Response and Exhibits 2030 and 2034 did not contain confidential information and did not need to be sealed.

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<sup>1</sup> Petitioner maintains its written objections to Exhibits 2030, 2032, and 2034, and nothing herein shall be construed as a waiver or forfeiture of those objections. *See* Paper 28 at 1-2.

However, Petitioner alleges that Exhibit 2032 does contain confidential information. Because Patent Owner does not rely on the information Petitioner alleges to be confidential in Exhibit 2032, the parties agreed that a redacted version of that exhibit could be filed publicly, so that the public has access to the information on which Patent Owner relies, but the confidentiality of the non-cited material is maintained. Redacted Exhibit 2032 was attached to Paper 29 as Appendix 2.

## **II. GOOD CAUSE EXISTS TO EXPUNGE EXHIBIT 2032 AND REPLACE IT WITH A REDACTED VERSION**

The same showing of “good cause” is required for a motion to expunge as it is for a motion to seal. *RPX Corp. v. VirnetX Inc.*, IPR2014-00171, Paper 62 at 3 (PTAB Sept. 9, 2014).

Good cause exists to expunge Ex. 2032 and replace it with a redacted version. Petitioner alleges that Exhibit 2032 contains confidential information of Petitioner and a third-party manufacturer of certain quantum dots, Hansol Chemical. Specifically, Petitioner alleges that Exhibit 2032 contains confidential technical information and details regarding the trade-secret recipes used by Hansol to make certain quantum dots for Petitioner Samsung Electronics Co., Ltd., including ingredients used in those trade-secret recipes. Petitioner alleges that the confidential information in Exhibit 2032 has not previously been published or made public. Petitioner alleges that public disclosure of the confidential information would increase the likelihood of harm to Petitioner and Hansol, including by exposing this

information to their competitors, and would give those competitors an unfair advantage in knowing certain details about Hansol's quantum dot recipes even though Petitioner and Hansol did not have corresponding information about their competitors.

The public's interest in maintaining a complete and understandable record in this proceeding will not be harmed by expunging Exhibit 2032 and replacing it with Redacted Exhibit 2032. Because none of the parties rely on the information that Petitioner alleges to be confidential in Exhibit 2032, full disclosure of that exhibit to the public is unnecessary to the issues in this case. Expunging Exhibit 2032 and replacing it with Redacted Exhibit 2032 will serve the public interest by ensuring a complete and understandable record of the allegations in this proceeding.

Because "the public's interest in maintaining a complete and understandable file history of this *inter partes* review" will not be harmed by expunging Exhibit 2032 and replacing it with Redacted Exhibit 2032, while Petitioner believes that Petitioner and Hansol would be harmed by disclosure of the confidential information in Exhibit 2032, good cause exists to grant the relief the parties request. *See RPX*, Paper 62 at 3.

### **III. EXPUNGING EXHIBIT 2032 AND REPLACING IT WITH A REDACTED VERSION MOOTS THE MOTION TO SEAL**

The parties agree that Patent Owner's Response and Exhibits 2030 and 2034 do not contain confidential information, and thus Patent Owner's Motion is moot

with regard to those exhibits. Granting the parties' requested relief of expunging Exhibit 2032 and replacing it with Redacted Exhibit 2032 will moot the remaining issues with regard to the Motion, because Redacted Exhibit 2032 does not contain any confidential information.

#### **IV. CONCLUSION**

Petitioner and Patent Owner respectfully request that the Board expunge the version of Exhibit 2032 that is currently on file and replace it with the agreed-upon Redacted Exhibit 2032, attached as Appendix 1.<sup>2</sup> Because replacing Exhibit 2032 with the redacted version will obviate the need for a protective order to be entered in this case, the parties also jointly move to withdraw Patent Owner's Motion to Seal (Paper 27) and Petitioner's Response thereto (Paper 29) after Exhibit 2032 has been expunged and replaced with its redacted version.

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<sup>2</sup> Should the Board prefer the parties to file the redacted version of Exhibit 2032, Patent Owner will file the redacted version of Exhibit 2032 after the Board grants this motion to expunge.

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