

**UNITED STATES PATENT AND TRADEMARK OFFICE**

---

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

---

MICRON TECHNOLOGY, INC.,  
Petitioner,

v.

VERVAIN, LLC,  
Patent Owner.

---

Case No.: IPR2021-01547  
U.S. Patent No. 8,891,298  
Original Issue Date: November 18, 2014

Title: LIFETIME MIXED LEVEL NON-VOLATILE MEMORY SYSTEM

---

**PETITIONER'S MOTION TO FILE CONFIDENTIAL DOCUMENT  
UNDER SEAL PURSUANT TO 37 C.F.R. §§ 42.145 & 42.54**

---

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Petitioner Micron Technology, Inc. (“Petitioner” or “Micron”) respectfully submits this Motion to Seal and to enter the Default Protective Order found in Appendix B of the Trial Practice Guide. Pursuant to the Default Protective Order, Petitioner moves to seal Petitioner’s Exhibit No. 1063 in its entirety, which is being filed concurrently with this Motion and Petitioner’s Reply to Patent Owner’s Response.

**I. GOOD CAUSE EXISTS FOR SEALING MICRON’S CONFIDENTIAL INFORMATION**

“Under 35 U.S.C. §316(a)(1), the default rule is that all papers filed in an inter partes review are open and available for access by the public.” A party may file a motion with the Board to seal confidential information that is protected from disclosure. *Garmin v. Cuozzo*, IPR2012-00001, Paper 37, at 3 (P.T.A.B. Apr. 5, 2013). Only “confidential information” is protected from public disclosure. 35 U.S.C. §316(a)(7); Office Trial Practice Guide, 77 Fed. Reg. 48756, 48760 (Aug. 14, 2012). The “standard for granting a motion to seal is ‘for good cause.’” *Id.* (quoting 37 C.F.R. §42.54).

As detailed below, good cause exists for sealing Exhibit 1063 under seal because it contains highly detailed, sensitive, confidential, and non-public information concerning the design, development, functionality, and operation of a Micron eMMC product.

**A. Exhibit 1063 – Excerpt of Exhibit 1-eMMC to Vervain’s Final Infringement Contentions**

Exhibit 1063 is four pages of a claim chart in which Patent Owner purports to read claim a limitation of U.S. Patent No. 8,891,298 against a Micron eMMC product. This excerpt of the claim chart was included as part of Vervain’s infringement contention in the co-pending district court case. The entire Exhibit (other than the recitation of claim 1 and certain marketing part numbers on the cover page) contains highly detailed, sensitive, confidential, and non-public information concerning the design, development, functionality, and operation of a Micron eMMC product (such as the internal controllers of the eMMC products). In particular, Exhibit 1063 details the operation of Micron’s firmware with respect to wear leveling techniques. Petitioner guards such information closely and has not made, and does not intend to make, this information publicly available. Exhibit 1063 accordingly should be sealed in its entirety pursuant to 37 C.F.R. § 42.55.

**II. CERTIFICATION OF NON-PUBLICATION**

To the best of Petitioner’s knowledge, the information sought to be sealed by this Motion has not been published or otherwise made publicly available.

**III. PROPOSED PROTECTIVE ORDER**

Petitioner respectfully requests entry of the Default Protective Order found in Appendix B of the Trial Practice Guide. Upon entry of the Default Protective

Order, Petitioner designates Exhibit No. 1063 in its entirety, as “**PROTECTIVE ORDER MATERIAL.**”

**IV. CERTIFICATION OF CONFERENCE WITH OPPOSING PARTY PURSUANT TO 37 C.F.R. § 42.54**

Petitioner has in good faith conferred with Patent Owner, and Patent Owner does not oppose the filing of Petitioner’s Motion to Seal.

**V. CONCLUSION**

For the foregoing reasons, Petitioner respectfully requests that the Board enter the attached Default Protective Order and seal and protect Petitioner’s confidential information contained in Exhibit No. 1063 for the duration of this proceeding (and thereafter). Petitioner further requests that the Board seal and protect the confidential information in this document until such time as it receives and rules on this Motion.

Respectfully submitted,

Dated: September 30, 2022

ORRICK, HERRINGTON & SUTCLIFFE LLP

By:  \_\_\_\_\_

Jeremy Jason Lang  
Lead Counsel for Petitioner  
Reg. No. 73,064  
1000 Marsh Road  
Menlo Park, CA 94025-1015  
T: (650) 614-7400  
F: (650) 614-7401  
Email: PTABDocketJL2@orrick.com

Christopher Childers  
Reg. No. 75,237  
Columbia Center  
1152 15<sup>th</sup> Street, N.W.  
Washington, D.C. 20005  
T: (202) 339 8400  
F: (202) 339 8500  
Email: PTABDocketC4C8@orrick.com

Parth Sagdeo  
Reg. No. 71,275  
222 Berkeley Street, Suite 2000  
Boston, MA 02116  
T: (617) 880 1800  
F: (617) 880 1801  
Email: PTABDocketP2S7@orrick.com

Jared Bobrow  
*Pro Hac Vice* to be submitted  
1000 Marsh Road  
Menlo Park, CA 94025-1015  
T: (650) 614-7400  
F: (650) 614-7401  
Email: PTABDocketJ3B3@orrick.com

*Attorneys for Petitioner Micron Technology,  
Inc.*

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.