

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICRON TECHNOLOGY, INC.,
Petitioner

v.

VERVAIN, LLC,
Patent Owner

Case: IPR2021-01547
U.S. Patent No. 8,891,298

**PATENT OWNER'S MOTION TO FILE SUR-REPLY UNDER SEAL
PURSUANT TO 37 C.F.R. §§ 42.14 & 42.54**

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Patent Owner, Vervain, LLC (“Patent Owner”) respectfully submits this Motion to Seal. Pursuant to the Board’s Default Protective Order found in Appendix B of the Trial Practice Guide, Patent Owner moves to seal Patent Owner’s Sur-Reply in its entirety, which is being filed concurrently with this Motion. Patent Owner is filing this Motion out of an abundance of caution and to comply with 37 C.F.R. § 42.14 due to uncertainty regarding an issue pertaining to Petitioner Micron’s previously filed Motion to Seal (Paper No. 23), as noted in Ex. 2021 (email from Patent Owner to Board dated November 16, 2022). Specifically, as noted in that email, Petitioner moved to seal Exhibit 1063 due to that exhibit containing Petitioner’s confidential information, but Petitioner then filed its Reply (Paper No. 24) publicly and that Reply contains text from Exhibit 1063. *See* Ex. 2021. Patent Owner has not received a response from the Board regarding that email as of the time of the present filing. Accordingly, because the Sur-Reply discusses Exhibit 1063, Patent Owner is filing this Motion out of an abundance of caution and to comply with 37 C.F.R. § 42.14. Petitioner will await further guidance from the Board on whether a redacted version of the Sur-Reply should be filed with public accessibility. As noted in Exhibit 2021, Patent Owner has conferred with Petitioner about this issue.

Dated: November 18, 2022

Respectfully submitted,

/s/ Alan Whitehurst

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CERTIFICATION OF SERVICE

The undersigned hereby certifies that the foregoing **PATENT OWNER'S MOTION TO FILE SUR-REPLY UNDER SEAL PURSUANT TO 37 C.F.R. §§ 42.14 & 42.54** has been served on Petitioner via email on the following counsel of record for Petitioner:

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