

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

NVIDIA CORPORATION,  
Petitioner,

v.

NEURAL AI, LLC,  
Patent Owner.

---

Case IPR2025-00609  
Patent RE48,438

---

**PATENT OWNER'S UNOPPOSED MOTION TO SEAL  
EXHIBIT 2040 AND PORTIONS OF PATENT OWNER'S  
DISCRETIONARY DENIAL BRIEF**

**TABLE OF CONTENTS**

	<b>Page(s)</b>
<b>I. GOOD CAUSE EXISTS TO SEAL EXHIBIT 2040 AND PORTIONS OF PATENT OWNER’S DISCRETIONARY DENIAL BRIEF AS CONFIDENTIAL PROTECTIVE ORDER MATERIAL.....</b>	<b>1</b>
<b>II. CERTIFICATION OF NON-PUBLICATION .....</b>	<b>4</b>
<b>III. CERTIFICATION OF CONFERENCE WITH OPPOSING PARTY PURSUANT TO 37 C.F.R. § 42.54ERROR! BOOKMARK NOT DEFINED.</b>	
<b>IV. CONCLUSION .....</b>	<b>4</b>

## TABLE OF AUTHORITIES

Page(s)

### STATUTES

<i>Am. Nat'l Mfg. Inc. v. Sleep Number Corp.</i> , IPR2019-00497, Paper 114 (PTAB Sept. 30, 2020).....	3
<i>Argentum Pharms. LLC v. Alcon Res., Ltd.</i> , IPR2017-01053, Paper 27 (PTAB Jan. 19, 2018) (informative) .....	2
<i>Garmin Int'l, Inc. v. Cuozzo Speed Techs. LLC</i> , IPR2012-00001, Paper 37 (PTAB Apr. 5, 2013) .....	1
<i>Quest USA Corp. v. PopSockets LLC</i> , IPR2018-00497, Paper 59 (PTAB Aug. 12, 2019).....	3
<i>Unified Patents Inc. v. Velos Media, LLC</i> , IPR2019-00757, Paper 41 (PTAB Aug. 18, 2020).....	2

### REGULATIONS

37 C.F.R. § 42.54 .....	1
-------------------------	---

Pursuant to 37 C.F.R. § 42.54, Patent Owner hereby moves to seal Exhibit 2040 and portions of Patent Owner’s Discretionary Denial Brief, which include confidential information, under the Proposed Protective Order submitted with the unopposed Motion For Entry Of Protective Order filed separately the same day as the present Motion.

**I. GOOD CAUSE EXISTS TO SEAL EXHIBIT 2040 AND PORTIONS OF PATENT OWNER’S DISCRETIONARY DENIAL BRIEF AS CONFIDENTIAL PROTECTIVE ORDER MATERIAL.**

A party may file a motion to seal for good cause papers filed in an *inter partes* review along with the filing of the document or thing to be sealed. The document or thing shall be provisionally sealed on receipt of the motion and remain so pending the outcome of the decision on the motion.

A moving party may show “good cause” for sealing documents containing confidential information. *Garmin Int’l, Inc. v. Cuozzo Speed Techs. LLC*, IPR2012-00001, Paper 37, 4 (PTAB Apr. 5, 2013).

In general, the Board’s “rules aim to strike a balance between the public’s interest in maintaining a complete and understandable file history and the parties’ interest in protecting truly sensitive information.” [Trial Practice Guide] at 19. The rules identify confidential information as “trade secret or other confidential research, development, or commercial information.” *Id.* (citing 37 C.F.R. § 42.54). Applying the rules, the Board has required that “a movant to seal must demonstrate adequately that (1) the information

sought to be sealed is truly confidential, (2) a concrete harm would result upon public disclosure, (3) there exists a genuine need to rely in the trial on the specific information sought to be sealed, and (4), on balance, an interest in maintaining confidentiality outweighs the strong public interest in having an open record.”

*Unified Patents Inc. v. Velos Media, LLC*, IPR2019-00757, Paper 41, 23 (PTAB Aug. 18, 2020) (per Ullagaddi, J.) (granting petitioner’s motion to seal, quoting *Argentum Pharms. LLC v. Alcon Res., Ltd.*, IPR2017-01053, Paper 27, 4 (PTAB Jan. 19, 2018) (informative)).

The exhibit that Patent Owner moves to seal, Exhibit 2040, contains confidential and highly sensitive commercial information. The portions of Patent Owner’s Discretionary Denial Brief, which Patent Owner also moves to seal, references this confidential information. As detailed below, good cause thus exists for sealing Exhibits 2040 and the portions of Patent Owner’s Discretionary Denial Brief that reference this confidential information.

Exhibit 2040: Exhibit 2040 is a confidential Patent Purchase Agreement between Neurala, Inc. (a former assignee of the challenged patent) and Neural AI. Public disclosure of this information potentially will significantly harm Patent Owner’s competitive position because it would allow competitors to access sensitive information. As such, Exhibit 2040 is designated as HIGHLY CONFIDENTIAL PROTECTIVE ORDER MATERIAL.

Portions of Patent Owner’s Discretionary Denial Brief: Patent Owner also seeks to seal the portions of Patent Owner’s Discretionary Denial Brief which reference the confidential information in Exhibit 2040.

Disclosure of the above information could put Patent Owner at an irrevocable commercial disadvantage, for instance in subsequent negotiations with other entities or persons. *See Quest USA Corp. v. PopSockets LLC*, IPR2018-00497, Paper 59, 88-90 (PTAB Aug. 12, 2019) (granting opposed motion to seal attorney’s-eyes-only highly confidential sales information of patent owner that had “never, to the best of Patent Owner’s knowledge, been made public” and “that Patent Owner aver[red] [wa]s confidential and would provide insight into closely held strategic business considerations”).

Although sealing the entirety of all of certain exhibits can be overbroad in some cases, the subject matter of Exhibit 2040, the fact it is an exhibit instead of a paper, and the only exhibit currently sought to be sealed warrants protection in this case. *See, e.g., Am. Nat’l Mfg. Inc. v. Sleep Number Corp.*, IPR2019-00497, Paper 114, 135 (PTAB Sept. 30, 2020) (“Although sealing the entirety of all of certain exhibits can be overbroad in some cases, our review of the subject matter and the limited number of exhibits in question warrants protection in this case.”).

As detailed in the accompanying unopposed Motion for entry of the Proposed Protective Order, Petitioners do not oppose the entry of the Proposed

Protective Order that modifies the Board's default protective order to add a Attorneys Eyes' Only and Outside Attorneys' Eyes Only designations to correspond to designations in the Protective Order requested in IPR2025-00606 and -00608 involving the same parties.

Accordingly, Patent Owner requests the sealing of Exhibit 2040 and portions of Patent Owner's Discretionary Denial Brief as HIGHLY CONFIDENTIAL PROTECTIVE ORDER MATERIAL under the unopposed Proposed Protective Order.

## **II. CERTIFICATION OF NON-PUBLICATION**

On behalf of Patent Owner, undersigned counsel certifies the information identified in Exhibit 2040 as well as the portions of Patent Owner's Discretionary Denial Brief sought to be sealed has not, to their knowledge, been published or otherwise made public.

## **III. CONCLUSION**

In accordance with the above, Patent Owner submits that it has complied with the formal requirements for a Motion to Seal and has provided sufficient basis to place Exhibit 2040 and portions of Patent Owner's Discretionary Denial Brief under seal. Therefore, Patent Owner requests that the Board seal Exhibit 2040 and portions of Patent Owner's Discretionary Denial Brief as HIGHLY

CONFIDENTIAL PROTECTIVE ORDER MATERIAL under the unopposed  
Protective Order.

Date: August 25, 2025

Respectfully submitted,

/ Kenneth J. Weatherwax /

---

Kenneth J. Weatherwax, Reg. No. 54,528

Nathan Lowenstein, *pro hac vice*

Colette Woo, *pro hac vice*

LOWENSTEIN & WEATHERWAX LLP

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the following documents were served by electronic service, by agreement between the parties, on the date below:

**PATENT OWNER’S UNOPPOSED MOTION TO SEAL  
EXHIBIT 2040 AND PORTIONS OF PATENT OWNER’S  
DISCRETIONARY DENIAL BRIEF**

The names and addresses of the parties being served are as follows:

Brian M. Buroker	bburoker@gibsondunn.com
L. Kieran Kieckhefer	kkieckhefer@gibsondunn.com
Nathan Curtis	ncurtis@gibsondunn.com
Vivian Lu	vlu@gibsondunn.com

Respectfully submitted,

/ Abigael Neufeld /

---

Date: August 25, 2025