

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TAIWAN SEMICONDUCTOR MANUFACTURING CO. LTD.,

Petitioner

v.

ADVANCED INTEGRATED CIRCUIT PROCESS LLC,

Patent Owner

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Case IPR2025-01211  
Patent 7,439,623

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**MOTION FOR ENTRY OF PROTECTIVE ORDER**

Patent Owner Advanced Integrated Circuit Process LLC (“AICP”) moves for entry of a Protective Order in this case. The proposed Protective Order is attached hereto as Attachment A. The proposed Protective Order differs from the Default Protective Order in the Board’s Consolidated Trial Practice Guide (Nov. 2019)<sup>1</sup> in that it provides a “Highly Confidential – Attorney’s Eyes Only” designation affording a second, higher level of protection for more sensitive confidential information. A comparison between the proposed Protective Order and the Default Protective Order is attached hereto as Attachment B.

The provisions AICP proposes adding to the Protective Order in this case mirror the protections under the Protective Order in the co-pending district court litigation (*see* EX2009). AICP merely seeks to maintain consistency between co-pending proceedings and preserve the same protections for the same information in both forums. Accordingly, good cause exists for the proposed Protective Order.

In addition, good cause exists for the proposed Protective Order because the factual considerations bearing on the Director’s decision whether to grant discretionary denial includes—among other discretionary factors—the “[s]ettled

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<sup>1</sup> Available at

<https://www.uspto.gov/sites/default/files/documents/tpgnov.pdf?MURL=TrialsPracticeGuideConsolidated>.

expectations of the parties.”<sup>2</sup> The evidence pertaining to AICP’s subjective expectations, and any reliance thereon, is commercially sensitive information. Moreover, the evidence contains information that is third-party confidential. The Board should give due consideration to the confidentiality interests of non-parties.

Counsel for AICP and Counsel for Petitioner are in the process of negotiating a compromise on the treatment of confidential information in this proceeding, including the terms of a Protective Order. As of this filing, the parties have not yet reached agreement on these issues. Accordingly, at this moment, AICP is filing this motion as opposed.

Dated: October 8, 2025

Respectfully submitted,

By: /Russell A. Chorush /  
Russell A. Chorush (Reg. No. 55,869)  
Attorney for Patent Owner  
Advanced Integrated Circuit Process,  
LLC

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<sup>2</sup> Stewart, C.M., Acting Director, *Memorandum re: Interim Processes for PTAB Workload Management*, at 2 (Mar. 26, 2025).

**CERTIFICATE OF SERVICE**

The undersigned certifies that pursuant to 37 C.F.R. § 42.6(e), a copy of the foregoing Motion for Entry of Protective Order was served to the following counsel of record for Petitioner addressed as follows:

<b>Lead Counsel for Petitioner</b>	<b>Back-up Counsel for Petitioner</b>
<p>Michael Houston Reg. No. 58,486 FOLEY &amp; LARDNER LLP 321 North Clark Street, Suite 3000 Chicago, Illinois 60654 312-832-4500 mhouston@foley.com</p>	<p>Pavan Agarwal Reg. No. 40,888 FOLEY &amp; LARDNER LLP 3000 K Street N.W., Suite 600 Washington, DC 20008 202-672-5300 pagarwal@foley.com</p> <p>Nicholas Lagerwall Reg. No. 63,272 FOLEY &amp; LARDNER LLP 150 East Gilman Street, Suite 5000 Madison, Wisconsin 53703 608-257-5035 nlagerwall@foley.com</p>

Dated: October 8, 2025

By: / Russell A. Chorush /  
Russell A. Chorush (Reg. No. 55,869)  
Attorney for Patent Owner  
Advanced Integrated Circuit Process,  
LLC

## ATTACHMENT A

The following Protective Order will govern the filing and treatment of confidential information in the proceeding:

### Protective Order

This protective order governs the treatment and filing of confidential information, including documents and testimony.

1. Confidential information shall be clearly marked “CONFIDENTIAL – PROTECTIVE ORDER MATERIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

2. Confidential information marked “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” means and applies to (i) any information, document, or thing produced in discovery which is not generally known, which a party has not made public, has significant competitive value such that unrestricted disclosure to others would create a substantial risk of significant competitive injury; (ii) any information, document, or thing produced in discovery which a party believes in good faith is significantly sensitive and protected by a right to privacy under federal or state law; (iii) data derived from such information, document or thing, including any summaries, compilations, quotes, or paraphrases; or (iv) information, including identifying information, relating to third party members/customers/dealers/vendors of a party. Access to confidential information marked “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” is limited to the following individuals who have executed the acknowledgement appended to this order:

(A) Outside counsel. Outside counsel of record for a party in the proceeding, including employees of outside counsel of record’s law firm(s) to whom it is reasonably necessary to disclose this information to assist outside counsel of record in connection with this proceeding, including members of their firms, associate attorneys, paralegal, clerical, and other regular employees of such counsel. All in-house counsel and other representatives of the parties (other than outside counsel of record) shall not be allowed to view HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY Information.

(B) Experts. Retained experts of a party in the proceeding who further certify in the Acknowledgement that they are not a competitor to any party, or a

consultant for, or employed by, such a competitor with respect to the subject matter of the proceeding.

(C) The Office. Employees and representatives of the United States Patent and Trademark Office who have a need for access to the confidential information shall have such access without the requirement to sign an Acknowledgement. Such employees and representatives shall include the Director, members of the Board and their clerical staff, other support personnel, court reporters, and other persons acting on behalf of the Office.

(D) Support Personnel. Administrative assistants, clerical staff, court reporters and other support personnel of the foregoing persons who are reasonably necessary to assist those persons in the proceeding shall not be required to sign an Acknowledgement, but shall be informed of the terms and requirements of the Protective Order by the person they are supporting who receives confidential information.

3. Access to confidential information marked “CONFIDENTIAL – PROTECTIVE ORDER MATERIAL” is limited to the following individuals who have executed the acknowledgment appended to this order:

(A) Above Personnel. Those persons or entities identified in paragraph 2 of this Protective Order under the conditions set forth in that paragraph.

(B) Parties. Persons who are owners of a patent involved in the proceeding and other persons who are named parties to the proceeding.

(C) In-house counsel. In-house counsel of a party.

4. Employees (e.g., corporate officers), consultants, or other persons performing work for a party, other than in-house counsel and in-house counsel’s support staff, who sign the Acknowledgement shall be extended access to confidential information marked “CONFIDENTIAL – PROTECTIVE ORDER MATERIAL” only upon agreement of the parties or by order of the Board upon a motion brought by the party seeking to disclose confidential information to that person. The party opposing disclosure to that person shall have the burden of proving that such person should be restricted from access to confidential information.

5. Persons receiving confidential information shall use reasonable efforts to maintain the confidentiality of the information, including:

(A) Maintaining such information in a secure location to which persons not authorized to receive the information shall not have access;

(B) Otherwise using reasonable efforts to maintain the confidentiality of the information, which efforts shall be no less rigorous than those the recipient uses to maintain the confidentiality of information not received from the disclosing party;

(C) Ensuring that support personnel of the recipient who have access to the confidential information understand and abide by the obligation to maintain the confidentiality of information received that is designated as confidential; and

(D) Limiting the copying of confidential information to a reasonable number of copies needed for conduct of the proceeding and maintaining a record of the locations of such copies.

6. Persons receiving confidential information shall use the following procedures to maintain the confidentiality of the information:

(A) Documents and Information Filed With the Board.

(i) A party may file documents or information with the Board along with a Motion to Seal. The Motion to Seal should provide a non-confidential description of the nature of the confidential information that is under seal, and set forth the reasons why the information is confidential and should not be made available to the public. A party may challenge the confidentiality of the information by opposing the Motion to Seal. The submission shall be treated as confidential and remain under seal, unless the Board determines that the documents or information do not to qualify for confidential treatment. The information shall remain under seal unless the Board determines that some or all of the information does not qualify for confidential treatment.

(ii) Where confidentiality is alleged as to some but not all of the information submitted to the Board, the submitting party shall file confidential and non-confidential versions of its submission, together with a Motion to Seal the confidential version setting forth the reasons why the information redacted from the non-confidential version is confidential and should not be made available to the public. A party may challenge the confidentiality of the information by opposing the Motion to Seal. The non-confidential version of the submission shall clearly indicate the locations of information that has been redacted. The confidential version of the submission shall be filed under seal. The redacted information shall remain under seal unless the Board determines that some or all of the redacted information does not qualify for confidential treatment.

(B) Documents and Information Exchanged Among the Parties. Documents (including deposition transcripts) and other information designated as confidential that are disclosed to another party during discovery or other proceedings before the Board shall be clearly marked as “CONFIDENTIAL – PROTECTIVE ORDER MATERIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” and shall be produced in a manner that maintains its confidentiality.

7. Within 60 days after the final disposition of this action, including the exhaustion of all appeals and motions, each party receiving confidential information must return, or certify the destruction of, all copies of the confidential information to the producing party.

8. Standard Acknowledgement of Protective Order. The following form may be used to acknowledge a protective order and gain access to information covered by the protective order:

**EXHIBIT A**

**Taiwan Semiconductor Manufacturing Company Ltd., Petitioner v.**

**Advanced Integrated Circuit Process LLC, Patent Owner**

**Case IPR2025-01211**

**Patent 7,439,623**

**Standard Acknowledgment for Access to Protective Order Material**

I \_\_\_\_\_, affirm that I have read the Protective Order; that I will abide by its terms; that I will use the confidential information only in connection with this proceeding and for no other purpose; that I will only allow access to support staff who are reasonably necessary to assist me in this proceeding; that prior to any disclosure to such support staff I informed or will inform them of the requirements of the Protective Order; that I am personally responsible for the requirements of the terms of the Protective Order and I agree to submit to the jurisdiction of the Office and the United States District Court for the Eastern District of Virginia for purposes of enforcing the terms of the Protective Order and providing remedies for its breach.

Executed on \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

## ATTACHMENT B

The following ~~Default~~ Protective Order will govern the filing and treatment of confidential information in the proceeding:

### Protective Order

This protective order governs the treatment and filing of confidential information, including documents and testimony.

1. Confidential information shall be clearly marked "CONFIDENTIAL – PROTECTIVE ORDER MATERIAL." or "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY."

~~2. Access to confidential information is limited to the following individuals who have executed the acknowledgement appended to this order:-~~

~~(A) Parties. Persons who are owners of a patent involved in the proceeding and other persons who are named parties to the proceeding.~~

~~(B) Party Representatives. Representatives of record for a party in the proceeding.~~

~~(C) 2. Confidential information marked "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" means and applies to (i) any information, document, or thing produced in discovery which is not generally known, which a party has not made public, has significant competitive value such that unrestricted disclosure to others would create a substantial risk of significant competitive injury; (ii) any information, document, or thing produced in discovery which a party believes in good faith is significantly sensitive and protected by a right to privacy under federal or state law; (iii) data derived from such information, document or thing, including any summaries, compilations, quotes, or paraphrases; or (iv) information, including identifying information, relating to third party members/customers/dealers/vendors of a party. Access to confidential information marked "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" is limited to the following individuals who have executed the acknowledgement appended to this order:~~

~~(A) Outside counsel. Outside counsel of record for a party in the proceeding, including employees of outside counsel of record's law firm(s) to whom it is reasonably necessary to disclose this information to assist outside counsel of~~

record in connection with this proceeding, including members of their firms, associate attorneys, paralegal, clerical, and other regular employees of such counsel. All in-house counsel and other representatives of the parties (other than outside counsel of record) shall not be allowed to view HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY Information.

(B) Experts. Retained experts of a party in the proceeding who further certify in the Acknowledgement that they are not a competitor to any party, or a consultant for, or employed by, such a competitor with respect to the subject matter of the proceeding.

~~(D) (C) In-house counsel. In-house counsel of a party.~~

~~(E) Support Personnel. Administrative assistants, clerical staff, court reporters and other support personnel of the foregoing persons who are reasonably necessary to assist those persons in the proceeding shall not be required to sign an Acknowledgement, but shall be informed of the terms and requirements of the Protective Order by the person they are supporting who receives confidential information.~~

(F) The Office. Employees and representatives of the United States Patent and Trademark Office who have a need for access to the confidential information shall have such access without the requirement to sign an Acknowledgement. Such employees and representatives shall include the Director, members of the Board and their clerical staff, other support personnel, court reporters, and other persons acting on behalf of the Office.

3(D) Support Personnel. Administrative assistants, clerical staff, court reporters and other support personnel of the foregoing persons who are reasonably necessary to assist those persons in the proceeding shall not be required to sign an Acknowledgement, but shall be informed of the terms and requirements of the Protective Order by the person they are supporting who receives confidential information.

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(A) Above Personnel. Those persons or entities identified in paragraph 2 of this Protective Order under the conditions set forth in that paragraph.

(B) Parties. Persons who are owners of a patent involved in the proceeding and other persons who are named parties to the proceeding.

(C) In-house counsel. In-house counsel of a party.

4. Employees (e.g., corporate officers), consultants, or other persons performing work for a party, other than ~~those persons identified above in (d)(2)(A)–(E), in-house counsel and in-house counsel’s support staff, who sign the Acknowledgement~~ shall be extended access to confidential information marked “CONFIDENTIAL – PROTECTIVE ORDER MATERIAL” only upon agreement of the parties or by order of the Board upon a motion brought by the party seeking to disclose confidential information to that person ~~and after signing the Acknowledgment.~~ The party opposing disclosure to that person shall have the burden of proving that such person should be restricted from access to confidential information.

45. Persons receiving confidential information shall use reasonable efforts to maintain the confidentiality of the information, including:

(A) Maintaining such information in a secure location to which persons not authorized to receive the information shall not have access;

(B) Otherwise using reasonable efforts to maintain the confidentiality of the information, which efforts shall be no less rigorous than those the recipient uses to maintain the confidentiality of information not received from the disclosing party;

(C) Ensuring that support personnel of the recipient who have access to the confidential information understand and abide by the obligation to maintain the confidentiality of information received that is designated as confidential; and

(D) Limiting the copying of confidential information to a reasonable number of copies needed for conduct of the proceeding and maintaining a record of the locations of such copies.

56. Persons receiving confidential information shall use the following procedures to maintain the confidentiality of the information:

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(ii) Where confidentiality is alleged as to some but not all of the information submitted to the Board, the submitting party shall file confidential and non-confidential versions of its submission, together with a Motion to Seal the confidential version setting forth the reasons why the information redacted from the non-confidential version is confidential and should not be made available to the public. A party may challenge the confidentiality of the information by opposing the Motion to Seal. The non-confidential version of the submission shall clearly indicate the locations of information that has been redacted. The confidential version of the submission shall be filed under seal. The redacted information shall remain under seal unless the Board determines that some or all of the redacted information does not qualify for confidential treatment.

(B) Documents and Information Exchanged Among the Parties. Documents (including deposition transcripts) and other information designated as confidential that are disclosed to another party during discovery or other proceedings before the Board shall be clearly marked as “CONFIDENTIAL”

– PROTECTIVE ORDER MATERIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” and shall be produced in a manner that maintains its confidentiality.

~~6~~7. Within 60 days after the final disposition of this action, including the exhaustion of all appeals and motions, each party receiving confidential information must return, or certify the destruction of, all copies of the confidential information to the producing party.

~~(k)~~8. Standard Acknowledgement of Protective Order. The following form may be used to acknowledge a protective order and gain access to information covered by the protective order:

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**Advanced Integrated Circuit Process LLC, Patent Owner**

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Executed on \_\_\_\_\_, 20\_\_.

\_\_\_\_\_