

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TAIWAN SEMICONDUCTOR MANUFACTURING COMPANY LTD.

and

APPLE INC.,

Petitioners

v.

MYW SEMITECH, LLC,
Patent Owner

Inter Partes Review Case No. IPR2026-00066
U.S. Patent No. 11,538,763

**PETITIONERS' OPPOSITION TO
PATENT OWNER'S MOTION TO SEAL AND
PETITIONERS' UNOPPOSED REQUEST TO
MODIFY DEFAULT PROTECTIVE ORDER**

Patent Owner filed a Motion for Entry of Default Protective Order and Motion to Seal with its Discretionary Denial Brief. Paper 8. The Parties have since conferred and agreed on modifications to the Board's Default Protective Order and designations to the Exhibits filed by Patent Owner under seal. Petitioners request the Board enter the Modified Protective Order attached as Exhibit A and designate the Exhibits filed by Patent Owner as set forth below. Patent Owner does not oppose Petitioners' requests.

I. The Parties Have Agreed on a Modified Protective Order

Petitioners request, and Patent Owner does not oppose, entry of the attached modified PTAB default Protective Order. The proposed modifications only seek to provide an additional tier of confidential information, "Confidential – Attorneys' Eyes Only" ("AEO"). Exhibit A is a marked-up version of the Board's Default Protective Order showing the agreed proposed modifications, and Exhibit B is a clean version of Exhibit A without any mark ups.

Per the Consolidated Trial Practice Guide, "the parties may agree to modify the Default Protective Order" to provide an additional tier, which is the very addition the Parties are proposing here. *Consolidated Trial Practice Guide*, at 115 (Nov. 2019). "The Board will presumptively accept" the additional tier of confidential information "as long as [it is] reasonable and adequately defines what types of

materials are to be included in the additional categor[y]” and does not include “overly inclusive definitions[.]” *Id.*

Here, the requested modifications are reasonable, adequately define the types of information included in the Confidential—AEO category, and do not include overly inclusive definitions. *See* Exhibit A, p. 1, Section 1.B. For example, the Confidential—AEO tier defines the specific types of information permitted to be designated Confidential—AEO, such as trade secrets, financial data, and engineering documents, and further identifies the designation for use with documents containing or reflecting information that is “extremely confidential and/or sensitive in nature.” *Id.* The proposed Protective Order thus remains “consistent with the integrity and efficient administration of the proceedings,” and Petitioners respectfully request the Board enter the Modified Protective Order. *Trial Practice Guide*, at 115.

II. Petitioners’ Requested Changes for Designations of Certain Exhibits Filed Under Seal

Patent Owner’s Motion to Seal (Paper 8) requested that Exs. 2003, 2005, 2006, and 2009 be sealed. The Parties have conferred and agreed to designations for each Exhibit. Petitioners respectfully request, and Patent Owner does not oppose, each Exhibit be designated as follows:

- EX2003 – “CONFIDENTIAL – ATTORNEYS’ EYES ONLY,” as it contains Petitioner Apple’s extremely confidential and/or sensitive information.
- EX2005 – “CONFIDENTIAL,” as it contains Patent Owner’s confidential information.
- EX2006 – “CONFIDENTIAL,” as it contains Petitioner TSMC’s confidential information.
- EX2009 – Contains no confidential information and does not need to be sealed.

III. Conclusion

For these reasons, Petitioners request the Board deny Patent Owner’s Motion to Seal as to Exhibits 2005 and 2009 and enter the Parties’ agreed-upon Modified Protective Order.

Respectfully submitted,

ERISE IP, P.A.

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COUNSEL FOR PETITIONERS,
TAIWAN SEMICONDUCTOR
MANUFACTURING COMPANY LTD. AND
APPLE INC.

CERTIFICATE OF SERVICE

The undersigned certifies that on March 2, 2026, a complete and entire copy of this Opposition to Patent Owner's Motion to Seal and Petitioner's Unopposed Request for Entry of Modified Protective Order was served electronically via email on March 2, 2026, on the following counsel of record for Patent Owner:

djackson@daignaultiyer.com
rjuang@daignaultiyer.com
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Respectfully submitted,

ERISE IP, P.A.

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COUNSEL FOR PETITIONERS,
TAIWAN SEMICONDUCTOR
MANUFACTURING COMPANY LTD.
AND APPLE INC.

MODIFIED DEFAULT
PROTECTIVE ORDER

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

1. Confidential information shall be clearly marked “PROTECTIVE ORDER MATERIAL” and include either the designation “CONFIDENTIAL” or “CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

A. A producing party may mark information as “CONFIDENTIAL” if it contains or reflects confidential, proprietary, and/or commercially sensitive information.

B. A producing party may mark information as “CONFIDENTIAL – ATTORNEYS’ EYES ONLY” if it contains or reflects information that is extremely confidential and/or sensitive in nature. The parties agree that the following information, if non-public, shall be presumed to merit the “CONFIDENTIAL – ATTORNEYS’ EYES ONLY” designation: trade secrets, pricing information, financial data, sales information, sales or marketing forecast or plans, business plans, sales or marketing strategy, product development information, engineering documents, testing documents, employee information, and other non-public information of similar competitive and business sensitivity.

2. Access to confidential information designated “CONFIDENTIAL” is limited to the following individuals provided that, unless indicated below, those individuals must have executed the acknowledgment appended to this order:

Deleted: who

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

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.

Deleted: <#>Party Representatives. Representatives of record for a party in the proceeding.¶

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

D. Outside counsel. Outside counsel of a party.

E. 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.

Moved down [1]: <#>Support Personnel.

Deleted: <#>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¶
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and requirements of the Protective Order by the person they are supporting who receives confidential information.¶

F. Support Personnel. Administrative assistants, clerical staff, court reporters and other support personnel of the persons listed in Sections 2(A) to 2(E) who are reasonably necessary to assist those persons in the

Moved (insertion) [1]

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 designated “CONFIDENTIAL – ATTORNEYS’ EYES ONLY” is limited to the individuals identified in Sections 2(B), 2(D), and 2(E), as well as only those Support Personnel identified in 2(F) who are supporting the persons identified in Paragraphs 2(B), 2(D), and 2(E) and not the persons identified in 2(A) or 2(C).

4. Employees (e.g., corporate officers), consultants, or other persons performing work for a party, other than those persons identified above in Sections 2(A) to 2(F), shall be extended access to confidential information 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.

Deleted: (d)(2)(A)–(E)

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:

E. 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 documents or information shall remain under seal unless the Board determines that some or all of it 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.

F. 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

“PROTECTIVE ORDER MATERIAL” 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:

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.

[Signature]

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[Signature]