

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JIAWEI TECHNOLOGY (HK) LTD., JIAWEI TECHNOLOGY (USA) LTD.,
SHENZHEN JIAWEI PHOTOVOLTAIC LIGHTING CO., LTD., ATICO
INTERNATIONAL (ASIA) LTD., ATICO INTERNATIONAL USA, INC.,
CHIEN LUEN INDUSTRIES CO., LTD., INC. (CHIEN LUEN FLORIDA),
CHIEN LUEN INDUSTRIES CO., LTD., INC. (CHIEN LUEN CHINA),
COLEMAN CABLE, LLC, NATURE'S MARK, RITE AID CORP., SMART
SOLAR, INC., AND TEST RITE PRODUCTS CORP.,
Petitioner,

v.

SIMON NICHOLAS RICHMOND,
Patent Owner.

Case IPR2014-00938
Patent 7,429,827 B2

Before WILLIAM V. SAINDON, JUSTIN T. ARBES, and
BARRY L. GROSSMAN, *Administrative Patent Judges*.

SAINDON, *Administrative Patent Judge*.

DECISION
Granting Petitioner's Renewed Motion to Expunge
37 C.F.R. § 42.56

A Final Written Decision in this proceeding was issued on December
15, 2015. Paper 69. Petitioner filed a Motion to Expunge certain materials

filed under seal on January 29, 2016. Paper 70. We denied that motion as untimely because the time for appeal had yet to expire. Paper 71. We instructed Petitioner to request to file a Renewed Motion to Expunge upon expiration of the time frame for appeal. *Id.* The time for appeal expired on February 16, 2016. On April 12, 2016, Petitioner requested authorization to file its renewed motion via email, which we granted via email. Petitioner filed its Renewed Motion to Expunge on April 13, 2016 (Paper 72, “Mot.”). Petitioner indicated by email that Patent Owner does not oppose Petitioner’s request. We now *grant* the Motion.

Petitioner moves to expunge Exhibits 1016, 1019, 1029, 1040–42, and 1044 (the “Subject Exhibits”). Mot. 1. Petitioner identifies the sensitive nature of the contents of the Subject Exhibits, which we addressed previously in our Final Written Decision. *Id.* at 3–4. In our Final Written Decision, we granted Petitioner’s Motion to Seal the Subject Exhibits. Paper 69, 5–6. As we stated then:

The [Subject] Exhibits generally relate to an internal corporate resolution, listings of financial account numbers, and invoices for attorney fees. *See* [Paper 43] 3–4. The redacted versions of these documents, upon which we relied in our denial of Patent Owner’s Motion to Terminate (Paper 57), sufficiently disclose the basis for our decision, so there is little public interest in making the non-redacted versions publicly available. Accordingly, Petitioner has shown good cause for sealing Exhibits 1016 and 1029, and portions of Exhibits 1019, 1040–42, and 1044.

Id. Our consideration of the Subject Exhibits was not necessary for our determination of whether the challenged claims of the ’827 patent were patentable, but rather only to our determination of whether Petitioner had

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properly identified all real parties in interest. Further, as we state in our Final Written Decision, our analysis of the real party in interest issue was resolvable based on the non-redacted versions of the Subject Exhibits. Accordingly, the public interest in having a complete record is satisfied sufficiently without disclosure of the Subject Exhibits. In view of this and the sensitive and financial nature of the documents, Petitioner has established good cause for expunging the Subject Exhibits. Any public version of the Subject Exhibits will remain in the record.

ORDER

It is hereby:

ORDERED that Petitioner's Renewed Motion to Expunge Confidential Information is *granted*; and

FURTHER ORDERED that all non-public versions of Exhibits 1016, 1019, 1029, 1040, 1041, 1042, and 1044 are to be expunged from the record.

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