

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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STINGRAY DIGITAL GROUP INC.,  
Petitioner,

v.

MUSIC CHOICE,  
Patent Owner.

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Case IPR2017-00888  
Patent 7,320,025 B1

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Before MITCHELL G. WEATHERLY, GREGG I. ANDERSON, and  
JOHN F. HORVATH, *Administrative Patent Judges*.

WEATHERLY, *Administrative Patent Judge*.

ORDER

Granting Patent Owner's Motion to Strike and Expunge  
*37 C.F.R. § 42.5*

I. BACKGROUND

With our prior authorization, Patent Owner filed Patent Owner's Unopposed Motion to Strike and Expunge, Paper 25 ("Mot." or "Motion"), in which it moves to strike the portion of the Patent Owner Response addressing objective indicia of non-obviousness and expunge evidence submitted in support of that argument. Mot. 1. Patent Owner indicates that

Petitioner has reviewed the Motion and does not oppose it. *Id.* More specifically, Patent Owner seeks to strike Section VI(E) of its Patent Owner Response (both the confidential, Paper 18, and non-confidential, Paper 19, versions) at pages 42–58; the table of exhibits 2002–2004, 2007–2106, and 2108 at pages vi–xii; and to expunge Exhibits 2002–2004, 2007–2106, and 2108. *Id.* Patent Owner also seeks to expunge its Motion to Seal, Paper 17, on the condition that the Exhibits that are the subject of the motion remain unavailable to the public. *Id.*

Because the Motion is unopposed and granting the relief requested will dramatically simplify the proceedings, and render the Motion to Seal moot, we grant the Motion in its entirety.

## II. ORDER

For the reasons given, it is:

ORDERED that Patent Owner’s Unopposed Motion to Strike and Expunge, Paper 25, is *granted*;

FURTHER ORDERED that Exhibits 2002–2004, 2007–2106, and 2108 shall be expunged from the record;

FURTHER ORDERED that Patent Owner’s Motion to Seal, Paper 17, shall be expunged from the proceeding;

FURTHER ORDERED that Paper 18, the confidential version of the Patent Owner Response, shall be expunged from the proceeding; and

FURTHER ORDERED that the Board shall consider Paper 19, the non-confidential version of the original Patent Owner Response, to constitute the Patent Owner Response, except that the Board shall not consider any portion of Section VI(E) of Paper 19.

IPR2017-00888  
Patent 7,320,025 B1

PETITIONER:

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