

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

STINGRAY DIGITAL GROUP INC.,
Petitioner,

v.

MUSIC CHOICE,
Patent Owner.

Case IPR2017-01191
Patent 9,351,045 B1

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 26 ("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 19, and non-confidential, Paper 20, versions) at pages 32–51; the table of exhibits 2007–2106, 2108, and 2110–2112 at pages v–xiii; and to expunge Exhibits 2007–2106, 2108, and 2110–2112. *Id.* Patent Owner also seeks to expunge its Motion to Seal, Paper 18,¹ 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 26, is *granted*;

FURTHER ORDERED that Exhibits 2007–2106, 2108, and 2110–2112 shall be expunged from the record;

FURTHER ORDERED that Patent Owner’s Motion to Seal, Paper 18, shall be expunged from the proceeding;

FURTHER ORDERED that Paper 19, the confidential version of the Patent Owner Response, shall be expunged from the proceeding; and

FURTHER ORDERED that the Board shall consider Paper 20, the non-confidential version of the original Patent Owner Response, to

¹ The Motion inadvertently refers to Patent Owner’s Motion to Seal as Paper 17.

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constitute the Patent Owner Response, except that the Board shall not consider any portion of Section VI(E) of Paper 20.

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PETITIONER:

Heath J. Briggs
Joshua L. Raskin
GREENBERG TRAURIG, LLP
BriggsH@gtlaw.com
RaskinJ@gtlaw.com

PATENT OWNER:

Brian S. Rosenbloom
Martin M. Zoltick
Michael V. Battaglia
Jennifer B. Maisel
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
brosenbloom@rfem.com
mzoltick@rfem.com
mbattaglia@rfem.com
jmaisel@rfem.com