

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FUJIFILM CORPORATION,  
Petitioner,

v.

SONY CORPORATION,  
Patent Owner.

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Case IPR2017-01356  
Patent 7,016,137 B2

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Before JEFFREY S. SMITH, BART A. GERSTENBLITH, and  
PATRICK M. BOUCHER, *Administrative Patent Judges*.

SMITH, *Administrative Patent Judge*.

ORDER  
37 C.F.R. § 42.56

## I. INTRODUCTION

Patent Owner, in an email to the Board sent on February 1, 2019, requested that all sealed exhibits in this proceeding, namely, Exhibits 2018, 2026, 2028, 2030, 2035, and 2046, remain under seal pending the outcome of any appeals. Petitioner does not oppose this request.

## II. DISCUSSION

We determine that it is reasonable to maintain the record undisturbed pending the outcome of any appeal that is taken. At the conclusion of an appeal proceeding, or if no appeal is taken, the Parties, jointly or individually, may contact the Board for authorization to file a motion to expunge confidential information (*see* 37 C.F.R. § 42.56)—otherwise, the information filed under seal will be made public in due course. *See* Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,761 (Aug. 14, 2012) (“Confidential information that is subject to a protective order ordinarily would become public . . . 45 days after final judgment in a trial.”).

## III. ORDER

Accordingly, it is

ORDERED that within ten business days of the conclusion of any appeal proceeding, or if no appeal is taken within ten business days of the expiration of the period to file a notice of appeal, the Parties may contact the Board for authorization to file a motion to expunge confidential information; and

FURTHER ORDERED that the record shall remain undisturbed as discussed herein until such time that a motion to expunge confidential

IPR2017-01356  
Patent 7,016,137 B2

information is filed or, if the Parties fail to contact the Board as required herein, the information under seal shall be made public in due course.

IPR2017-01356  
Patent 7,016,137 B2

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