

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.,
Petitioner,

v.

BLACKBIRD TECH LLC d/b/a BLACKBIRD TECHNOLOGIES,
Patent Owner.

Case IPR2017-01525
Patent 7,174,362

Before DEBRA K. STEPHENS, KRISTEN L. DROESCH,
CHRISTA P. ZADO, *Administrative Patent Judges.*

STEPHENS, *Administrative Patent Judge.*

ORDER
Unopposed Motion to Expunge
37 C.F.R. § 42.5

I. INTRODUCTION

Petitioner, in an email filed August 18, 2017, requested “authorization to file a motion to expunge the Voluntary Interrogatory Responses.”

Petitioner further clarified in an email filed August 19, 2017, that Patent Owner did not oppose the request “provided Petitioner not be allowed to rely

on the facts alleged in the voluntary interrogatory responses Petitioner seeks to withdraw.”

We authorized, in an email sent August 4, 2017, Petitioner to file a motion to expunge Petitioner’s Voluntary Interrogatory Responses, Exhibit 1011, and authorized Patent Owner to file an opposition if Patent Owner chose.

II. MOTION

Petitioner filed a motion requesting Petitioner’s Voluntary Interrogatory Responses (Exhibit 1011) be expunged (Paper 7). Petitioner states the Voluntary Interrogatory Responses were submitted “to answer questions proactively about the relationship between Unified and its members” (*id.* at 1). The Voluntary Interrogatory Responses have been verified and signed by Mr. Jakel (*id.*; Exhibit 1011). According to Petitioner, Patent Owner sought to depose Mr. Jakel on the topic of the Voluntary Interrogatory Responses, without asking for other discovery first (Paper 7). To obviate any need to depose Mr. Jakel, Petitioner seeks expungement of the Voluntary Interrogatory Responses (*id.*).

Patent Owner did not oppose the motion.

In view of the above, Petitioner’s Motion to Expunge Exhibit 1011 is granted.

III. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Exhibit 1011 identified in the Patent Trial and Appeal Board End to End filing system is expunged from the record in this case.

Case IPR2017-01525
Patent No. 7,174,362

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