

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HALLIBURTON ENERGY SERVICES, INC.,
Petitioner,

v.

SCHLUMBERGER TECHNOLOGY CORPORATION,
Patent Owner.

Case IPR2017-01564
Patent 7,775,278 B2

Before HYUN J. JUNG, JEREMY M. PLENZLER, and
JAMES J. MAYBERRY, *Administrative Patent Judges*.

MAYBERRY, *Administrative Patent Judge*.

DECISION
Granting Joint Motion to Expunge
37 C.F.R. § 42.56
Dismissing Motion to Seal
37 C.F.R. §§ 42.14 and 42.54

I. MOTION TO EXPUNGE

On June 13, 2018, we granted a joint motion to terminate this proceeding. Paper 34. With our prior authorization, the parties subsequently filed a Joint Motion to Expunge the Documents under Seal. Paper 35 (“Mot.”). Specifically, the parties move to expunge Papers 11, 12, 21, 22, 27, and 28, as well as Exhibits 2005, 2008, 2009, 2011, 2012, and 2013, pursuant to 37 C.F.R. § 42.56. Mot. 2. For the reasons set forth below, we *grant* the Joint Motion to Expunge.

Because sealed information ordinarily becomes publicly available after denial of a petition to institute a trial or after final judgment in a trial, a party wishing to preserve its confidentiality may file a motion to expunge the information from the record. Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48761 (Aug. 14, 2012); 37 C.F.R. § 42.56. However, a strong public policy exists for making information filed in an *inter partes* review publicly available. 37 C.F.R. § 42.14; *see also* 77 Fed. Reg. at 48760–61. The public’s interest in maintaining a complete and understandable file history is balanced with the parties’ interest in protecting truly sensitive information. 77 Fed. Reg. at 48760.

We did not rely on Papers 11, 12, 21, 22, 27, and 28, or Exhibits 2005, 2008, 2009, 2011, 2012, and 2013 in rendering the Decision instituting trial in this proceeding or granting the Joint Motion to Terminate. *See* Papers 17, 34. The redacted public versions of the Patent Owner Preliminary Response (Paper 14) and Joint Motion to Terminate (Paper 32) provide sufficient information for the public to understand the procedural posture and record of this proceeding. In addition, we agree with the parties’ reasons for asserting

that expunging these papers and exhibits is appropriate. *See* Mot. 3–7. Thus, we find the public’s interest in being able to access this information does not outweigh the parties’ need to protect their confidential information.

Accordingly, we grant the parties’ request to expunge Papers 11, 12, 21, 22, 27, and 28, and Exhibits 2005, 2008, 2009, 2011, 2012, and 2013.

II. MOTIONS TO SEAL

Patent Owner filed Motions to Seal, requesting to seal Papers 11, 12, 21, 22, 27, and 28, and Exhibits 2005, 2008, 2009, 2011, 2012, and 2013. Papers 15, 24, 31. In connection with these three Motions to Seal, Patent Owner filed both confidential and public versions of these motions, as the unredacted motions themselves included certain confidential information (Papers 11, 21, and 27 are the confidential Motions to Seal). Although the Motions to Seal did not expressly identify the confidential versions of these motions as papers to be under seal, we interpret Patent Owner’s Motions to Seal as covering these confidential versions of the motions.

As noted above, we have granted the parties’ request to expunge Papers 11, 12, 21, 22, 27, and 28, and Exhibits 2005, 2008, 2009, 2011, 2012, and 2013. Accordingly, Patent Owner’s Motions to Seal are *dismissed* as moot.

III. ORDER

It is:

ORDERED that the Joint Motion to Expunge is *granted*;

FURTHER ORDERED that Papers 11, 12, 21, 22, 27, and 28, and Exhibits 2005, 2008, 2009, 2011, 2012, and 2013 are expunged from the record; and

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FURTHER ORDERED that Patent Owner's Motions to Seal are
dismissed as moot.

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PETITIONER:

Henry A. Petri
James P. Murphy
POLSINELLI PC
hpetri@polsinelli.com
jpmurphy@polsinelli.com

For PATENT OWNER:

Michael L. Kiklis
Christopher Ricciuti
Katherine Cappaert
Marc K. Weinstein
OBLON, MCCLELLAND, MAIER & NEUSTADT, LLP
CPDocketKiklis@oblon.com
CPDocketRicciuti@oblon.com
CPDocketcappaert@oblon.com
CPDocketWeinstein@oblon.com