

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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HALLIBURTON ENERGY SERVICES, INC.,  
Petitioner,

v.

SCHLUMBERGER TECHNOLOGY CORP.,  
Patent Owner.

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Case IPR2017-01567  
Patent 7,934,556 B2

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

JUNG, *Administrative Patent Judge*.

DECISION  
Granting Joint Motion to Expunge  
*37 C.F.R. § 42.56*  
Dismissing Motions 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. Paper 30. With our prior authorization, the parties subsequently filed a Joint Motion to Expunge the Documents under Seal. Paper 31 (“Mot.”). Specifically, the parties move to expunge Papers 9, 11, 19, 20, 24, and 25,<sup>1</sup> as well as Exhibits 2005, 2008, 2009, and 2011–2013, 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 Paper 11 or Exhibits 2005, 2008, 2009, and 2011–2013 in rendering the Institution Decision. Paper 16. We did not need to consider Paper 20 and did not rely on Paper 25 in granting the Joint Motion

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<sup>1</sup> Paper 11 is the unredacted, confidential version of the Patent Owner’s Preliminary Response, and Paper 20 is the unredacted, confidential version of the Patent Owner’s Response. Papers 9, 19, and 24 are the unredacted, confidential versions of Patent Owner’s Motions to Seal. Paper 25 is the unredacted, confidential version of the Joint Motion to Terminate.

to Terminate. Paper 30. The redacted public versions of the Patent Owner's Preliminary Response (Paper 13), Patent Owner's Response (Paper 23), and Joint Motion to Terminate (Paper 28) provide sufficient information for the public to understand the procedural posture and record of this proceeding. For the reasons discussed below, we dismiss the motions to seal (Papers 9, 19, 24) as moot. 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 9, 11, 19, 20, 24, and 25, and Exhibits 2005, 2008, 2009, and 2011–2013.

## II. MOTIONS TO SEAL

Patent Owner filed Motions to Seal, requesting to seal the unredacted, confidential version of Patent Owner's Preliminary Response, Paper 11; Exhibits 2005, 2008, 2009, and 2011–2013; the unredacted, confidential version of Patent Owner's Response, Paper 20; and the unredacted, confidential version of the Joint Motion to Terminate, Paper 25. Papers 9, 19, 24.<sup>2</sup> Although Patent Owner's Motions to Seal did not expressly identify the confidential versions of these motions as papers to be under seal, we interpret the Motions to Seal as covering the confidential versions.

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<sup>2</sup> Papers 14, 22, and 29 are the public versions of the Motions to Seal. The confidential versions of the Motions to Seal were filed as Papers 9, 19, and 24.

As noted above, however, we have granted the parties' request to expunge Papers 11, 20, and 25, as well as Exhibits 2005, 2008, 2009, and 2011–2013. Accordingly, the Motions to Seal are *dismissed* as moot.

### III. ORDER

It is:

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

FURTHER ORDERED that Papers 9, 11, 19, 20, 24, and 25, and Exhibits 2005, 2008, 2009, and 2011–2013 are expunged from the record; and

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

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