

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HALLIBURTON ENERGY SERVICES, INC.,
Petitioner,

v.

SCHLUMBERGER TECHNOLOGY CORP.,
Patent Owner.

Case IPR2017-01569
Patent 8,220,543 B2

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

PLENZLER, *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 58. With our prior authorization, the parties subsequently filed a Joint Motion to Expunge the Documents under Seal. Paper 59 (“Mot.”). Specifically, the parties move to expunge Papers 7, 8, 9, 11, 18, 19, 20, 27, 29, 33, 40, 41, 47, 48, 52, and 53,¹ as well as Exhibits 1101, 1103, 1104, 1107, 2005, 2009, 2011, 2012, 2013, and 2014, 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 the alleged confidential information in the Papers and Exhibits noted above in rendering the Institution Decision, the Decision

¹ Paper 18 is the unredacted, confidential version of the Patent Owner’s Preliminary Response, Paper 41 is the unredacted, confidential version of the Patent Owner’s Request for Rehearing, and Paper 48 is the unredacted, confidential version of the Patent Owner’s Response. Paper 53 is the unredacted, confidential version of the Joint Motion to Terminate. The other unredacted, confidential Papers noted are Motions to Seal, a Motion for Extension of Time, and an Opposition to that Motion for Extension of Time.

Denying Rehearing, or the Decision Granting the Joint Motion to Terminate. Papers 38, 44, 58. The redacted public versions of Patent Owner's Preliminary Response (Paper 22), Patent Owner's Request for Rehearing (Paper 43), Patent Owner's Response (Paper 51), and the Joint Motion to Terminate (Paper 53) 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 7, 11, 20, 33, 40, 47, 52) as moot. In addition, we agree with the parties' reasons for asserting that expunging these papers and exhibits is appropriate. *See* Mot. 4–11. 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 7, 8, 9, 11, 18, 19, 20, 27, 29, 33, 40, 41, 47, 48, 52, and 53, and Exhibits 1101, 1103, 1104, 1107, 2005, 2009, 2011, 2012, 2013, and 2014.

II. MOTIONS TO SEAL

Patent Owner filed Motions to Seal, requesting to seal the Papers and Exhibits noted above in connection with the Joint Motion to Expunge. Papers 7, 11, 20, 33, 40, 47, 52.² Because we have granted the parties' request to expunge the Papers and Exhibits that were the subject of those Motions to Seal, those Motions to Seal are *dismissed* as moot.

² Papers 7, 11, 20, 33, 40, 47, and 52 are the confidential versions of those Motions to Seal.

III. ORDER

It is:

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

FURTHER ORDERED that Papers 7, 8, 9, 11, 18, 19, 20, 27, 29, 33, 40, 41, 47, 48, 52, and 53, and Exhibits 1101, 1103, 1104, 1107, 2005, 2009, 2011, 2012, 2013, and 2014 are expunged from the record; and

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

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