

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 IPR2017-01574
Patent 9,322,260 B2

Before PATRICK R. SCANLON, HYUN J. JUNG, 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 60. With our prior authorization, the parties subsequently filed a Joint Motion to Expunge the Documents under Seal. Paper 61 (“Mot.”). Specifically, the parties move to expunge Papers 7, 8, 9, 11, 18, 19, 26, 28, 32, 39, 40, 45, 46, 53 and 54, 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 Papers 7, 8, 9, 11, 18, 19, 26, 28, 32, 39, 40, 45, 46, 53 and 54, or Exhibits 1101, 1103, 1104, 1107, 2005, 2009, 2011, 2012, 2013 and 2014 in rendering the Decision instituting trial in this proceeding, our Decision on Patent Owner’s request for rehearing, or granting the Joint Request to Terminate. *See* Papers 37, 48. The redacted public version of the Patent Owner Preliminary Response (Paper 21), the redacted public version

of the Patent Owner Rehearing Request (Paper 42), and the redacted public version of the Joint Motion to Terminate (Paper 57) 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. 4–10. 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, 26, 28, 32, 39, 40, 45, 46, 53 and 54, and Exhibits 1101, 1103, 1104, 1107, 2005, 2009, 2011, 2012, 2013 and 2014.

II. MOTIONS TO SEAL

Patent Owner filed six Motions to Seal and Petitioner filed two Motions to Seal, requesting to seal Papers 7, 8, 9, 11, 18, 19, 26, 28, 32, 39, 40, 45, 46, 53 and 54, and Exhibits 1101, 1103, 1104, 1107, 2005, 2009, 2011, 2012, 2013 and 2014. Papers 12, 24, 27, 35, 41, 49, 58. In connection with these eight Motions to Seal, the parties filed both confidential and public versions of these motions, as the unredacted motions themselves included certain confidential information (Papers 7, 11, 19, 26, 32, 39, 45, and 53 are the confidential Motions to Seal). Although six of the 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 these confidential versions of the motions.

As noted above, we have granted the parties' request to expunge Papers 7, 8, 9, 11, 18, 19, 26, 28, 32, 39, 40, 45, 46, 53 and 54, and Exhibits

1101, 1103, 1104, 1107, 2005, 2009, 2011, 2012, 2013 and 2014.
Accordingly, the pending Motions to Seal are *dismissed* as moot.

III. ORDER

It is:

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

FURTHER ORDERED that Papers 7, 8, 9, 11, 18, 19, 26, 28, 32, 39, 40, 45, 46, 53 and 54, and Exhibits 1101, 1103, 1104, 1107, 2005, 2009, 2011, 2012, 2013 and 2014 are expunged from the record; and

FURTHER ORDERED that pending 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