

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 IPR2017-01577
Patent 8,905,133 B2

Before PATRICK R. SCANLON, HYUN J. JUNG, and
JEREMY M. PLENZLER, *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 38. With our prior authorization, the parties subsequently filed a Joint Motion to Expunge the Documents under Seal. Paper 39 (“Mot.”). Specifically, the parties move to expunge Papers 10, 11, 18, 19, 24, 25, 31, and 32,¹ 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 the alleged confidential information in the Papers and Exhibits noted above in rendering the Institution Decision, the Decision

¹ Paper 11 is the unredacted, confidential version of the Patent Owner’s Preliminary Response, Paper 19 is the unredacted, confidential version of the Patent Owner’s Request for Rehearing, and Paper 25 is the unredacted, confidential version of the Patent Owner’s Response. Paper 32 is the unredacted, confidential version of the Joint Motion to Terminate. The other unredacted, confidential Papers noted are Motions to Seal.

Denying Rehearing, or the Decision Granting the Joint Motion to Terminate. Papers 16, 22, 38. The redacted public versions of Patent Owner's Preliminary Response (Paper 13), Patent Owner's Request for Rehearing (Paper 21), Patent Owner's Response (Paper 28), and the Joint Motion to Terminate (Paper 35) 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 10, 18, 24, 31) as moot. In addition, we agree with the parties' reasons for asserting that expunging these papers and exhibits is appropriate. *See* Mot. 3–8. 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 10, 11, 18, 19, 24, 25, 31, and 32, and Exhibits 2005, 2008, 2009, 2011, 2012, and 2013.

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 10, 18, 24, 31.² 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 10, 18, 24, and 31 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 10, 11, 18, 19, 24, 25, 31, and 32, and Exhibits 2005, 2008, 2009, 2011, 2012, and 2013 are expunged from the record; and

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

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