

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 CORPORATION,  
Patent Owner.

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Case IPR2017-01578  
Patent 9,322,260 B2

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Before PATRICK R. SCANLON, HYUN J. JUNG, and  
JAMES J. MAYBERRY, *Administrative Patent Judges*.

SCANLON, *Administrative Patent Judge*.

DECISION

Dismissing Patent Owner's Request for Rehearing

*37 C.F.R. § 42.71*

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. REQUEST FOR REHEARING

Pursuant to 37 C.F.R. § 41.71(d), Patent Owner filed a Request for Rehearing (Paper 42)<sup>1</sup> of our Decision on Institution (Paper 37). The parties, however, subsequently filed a Joint Motion to Terminate. Paper 56.<sup>2</sup> On June 13, 2018, we granted the Joint Motion to Terminate this proceeding. Paper 59. Accordingly, we *dismiss* Patent Owner’s Request for Rehearing as moot.

## II. MOTION TO EXPUNGE

Subsequent to our granting the Joint Motion to Terminate and with our prior authorization, the parties filed a Joint Motion to Expunge Documents Filed under Seal. Paper 60 (“Mot.”). Specifically, the parties move to expunge Papers 7, 8, 9, 11, 18, 19, 27, 28, 30, 39, 40, 45, 46, 52, and 53, 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

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<sup>1</sup> Paper 42 is a redacted public version of Patent Owner’s Request for Rehearing. A confidential version was filed as Paper 40.

<sup>2</sup> Paper 57 is a redacted public version of the Joint Motion to Terminate. A confidential version was filed as Paper 53.

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, 27, 28, 30, 39, 40, 45, 46, 52, and 53, or Exhibits 1101, 1103, 1104, 1107, 2005, 2009, 2011, 2012, 2013, and 2014 in rendering the Decision on Institution or in granting the Joint Motion to Terminate. Papers 37, 59. The redacted public versions of Papers 8, 9, 18, 30, 40, 46, and 53 (i.e., Papers 23, 10, 21, 31, 42, 49, and 56, respectively) 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, 19, 27, 28, 39, 45, and 52) as moot. 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, 27, 28, 30, 39, 40, 45, 46, 52, and 53, and Exhibits 1101, 1103, 1104, 1107, 2005, 2009, 2011, 2012, 2013, and 2014.

### III. 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, 27, 28, 30, 39, 40, 45, 46, 52, and 53, and Exhibits 1101, 1103, 1104, 1107, and 2014.

Papers 12, 22, 24, 29, 35, 41, 48, 57.<sup>3</sup> 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, however, we have granted the parties' request to expunge Papers 7, 8, 9, 11, 18, 19, 27, 28, 30, 39, 40, 45, 46, 52, and 53, as well as Exhibits 1101, 1103, 1104, 1107, and 2014. Accordingly, the Motions to Seal are *dismissed* as moot.

#### IV. ORDER

It is:

ORDERED that Patent Owner's Request for Rehearing is *dismissed* as moot;

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

FURTHER ORDERED that Papers 7, 8, 9, 11, 18, 19, 27, 28, 30, 39, 40, 45, 46, 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 and Petitioner's Motions to Seal are *dismissed* as moot.

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<sup>3</sup> Papers 12, 22, 24, 29, 35, 41, 48, and 57 are the redacted public versions of the Motions to Seal. Confidential versions of the Motions to Seal were filed as Papers 11, 7, 19, 28, 27, 39, 45, and 52, respectively.

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