

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 IPR2017-01773
Patent 8,646,529 B2

Before PATRICK R. SCANLON, HYUN J. JUNG, 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 31. With our prior authorization, the parties subsequently filed a Joint Motion to Expunge the Documents under Seal. Paper 32 (“Mot.”). Specifically, the parties move to expunge Papers 6, 7, 11, 24, and 25,¹ as well as Exhibits 2005, 2008, 2009, 2011, and 2016,² 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 6 or Exhibits 2005, 2008, 2009, 2011, and 2016 in rendering the Institution Decision. Paper 19. We did not rely on Paper 25 in granting the Joint Motion to Terminate. Paper 31. The redacted

¹ Paper 6 is the unredacted, confidential version of the Patent Owner’s Preliminary Response. Paper 25 is the unredacted, confidential version of the Joint Motion to Terminate. Papers 7, 11, and 24 are the unredacted, confidential versions of Patent Owner’s Motions to Seal.

² Exhibit 2016 as used herein refers to the unredacted, confidential version of the exhibit.

public versions of the Patent Owner's Preliminary Response (Paper 18) 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 7, 11, 24) 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 6, 7, 11, 24, and 25, and Exhibits 2005, 2008, 2009, 2011, and 2016.

II. MOTIONS TO SEAL

Patent Owner filed Motions to Seal, requesting to seal the unredacted, confidential version of Patent Owner's Preliminary Response, Paper 6; Exhibits 2005, 2008, 2009, 2011, and 2016; and the unredacted, confidential version of the Joint Motion to Terminate, Paper 25. Papers 7, 11, 24.³ Although the Motions to Seal did not expressly identify the confidential versions of these motions as papers to be under seal, we interpret Patent Owner's Motions to Seal as covering the confidential versions.

As noted above, however, we have granted the parties' request to expunge Papers 6 and 25, as well as Exhibits 2005, 2008, 2009, 2011, and 2016. Accordingly, the Motions to Seal are *dismissed* as moot.

³ Papers 14, 17, and 29 are the public versions of the Motions to Seal. The confidential versions of the Motions to Seal were filed as Papers 7, 11, and 24.

III. ORDER

It is:
ORDERED that the Joint Motion to Expunge is *granted*;
FURTHER ORDERED that Papers 6, 7, 11, 24, and 25, and Exhibits
2005, 2008, 2009, 2011, and 2016 are expunged from the record; and
FURTHER ORDERED that Patent Owner's Motions to Seal are
dismissed as moot.

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