

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

SEVEN NETWORKS, LLC,
Patent Owner.

Case IPR2018-01051
Patent 9,516,127 B2

Before THU A. DANG, JONI Y. CHANG, and
JACQUELINE T. HARLOW, *Administrative Patent Judges*.

CHANG, Administrative Patent Judge.

DECISION
Granting Motion to Expunge
37 C.F.R. § 42.56

INTRODUCTION

Petitioner filed a Motion to Expunge (Paper 35, “Motion” or “Mot.”) the confidential versions of Petitioner’s Reply (Paper 16), Patent Owner’s Sur-reply (Paper 18), the Decision on Institution (Paper 21), and Exhibits 1040, 1043, 1047, 1048, 1051, and 2056–2058.¹ Patent Owner does not oppose the Motion. For the following reasons, the Motion is *granted*.

ANALYSIS

“Confidential information that is subject to a protective order ordinarily would become public 45 days after denial of a petition to institute a trial or 45 days after final judgment in a trial.” Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,761 (Aug. 14, 2012) (“Trial Practice Guide”). However, “[a]fter denial of a petition to institute a trial or after final judgment in a trial, a party may file a motion to expunge confidential information from the record.” 37 C.F.R. § 42.56. This “rule balances the needs of the parties to submit confidential information with the public interest in maintaining a complete and understandable file history for public notice purposes.” Trial Practice Guide, 77 Fed. Reg. at 48,761.

Petitioner submits that expungement is appropriate because “[t]his proceeding was terminated based on a settlement” and without reliance “upon the confidential information.” Mot. 3. According to Petitioner, “[t]he sealed Confidential Documents . . . have no meaningful impact on the ultimate resolution of this proceeding.” *Id.* Thus, Petitioner contends that

¹ The record includes public redacted versions of Petitioner’s Reply (Paper 17), Patent Owner’s Sur-reply (Paper 19), the Decision on Institution (Paper 28), and Exhibits 1040 and 2056–2058.

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“the public interest is far outweighed by the interest of the parties to preserve the confidentiality of these documents.” *Id.*

We determine that it is appropriate to expunge the confidential versions of Petitioner’s Reply (Paper 16), Patent Owner’s Sur-reply (Paper 18), the Decision on Institution (Paper 21), and Exhibits 1040, 1043, 1047, 1048, 1051, and 2056–2058, because: (1) the confidential information relates to real party in interest and privity issues and otherwise is not related to the merits of the case; and (2) the final judgment in this proceeding was based on the parties’ settlement. Therefore, the Motion is *granted*.

ORDER

It is hereby

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

FURTHER ORDERED that the *confidential versions* of Petitioner’s Reply (Paper 16), Patent Owner’s Sur-reply (Paper 18), the Decision on Institution (Paper 21), and Exhibits 1040, 1043, 1047, 1048, 1051, and 2056–2058 are expunged from the record in this proceeding.

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