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On behalf of:

**RED.COM, LLC**

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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**APPLE INC.,**  
Petitioner,

v.

**RED.COM, LLC,**  
Patent Owner.

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IPR2019-01065  
Patent 9,245,314

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**PATENT OWNER RED.COM'S UNOPPOSED MOTION TO EXPUNGE  
SEALED MATERIAL**

Pursuant to 37 C.F.R. § 42.56 and the Board's August 29, 2019 Order (Paper 9) granting Owner RED.COM, LLC's ("RED") Motion to Seal and the November 2019 Consolidated Trial Practice Guide at 21-22, RED submits this Motion to Expunge Sealed Material. RED has informed Petitioner of RED's intention to file the present Motion, and Petitioner has indicated that it does not oppose.

In its August 29, 2019 Order (Paper 9), the Board granted RED's motion to seal the unredacted version of Exhibit 2010, "determin[ing] that there is good cause for sealing." Paper 9 at 4. The Board also noted in that Order that "confidential information subject to a protective order ordinarily becomes public 45 days after final judgment in a trial. Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,761 (Aug. 14, 2012)." *Id.* The Board also directed the parties to 37 C.F.R. § 42.56, which states that "[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." *Id.*

The Board denied institution of *inter partes* review on November 8, 2019 (Paper 17). Apple did not file a request for rehearing of that decision. Thus, pursuant to 37 C.F.R. § 42.56, RED hereby requests that the unredacted version of Exhibit 2010 be expunged from the record.

The Board did not cite or otherwise rely on any portion of Exhibit 2010 in its Decision Denying Institution. Accordingly, there is no public interest in making the

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unredacted version of Exhibit 2010 part of the public record of the proceeding.  
Accordingly, RED respectfully requests that the Board grant this Motion to  
Expunge.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: December 20, 2019

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**CERTIFICATE OF SERVICE**

I hereby certify that, pursuant to 37 C.F.R. § 42.6(e)(1) and agreement of the parties, a true and correct copy of the foregoing **PATENT OWNER RED.COM'S UNOPPOSED MOTION TO EXPUNGE SEALED MATERIAL** is being served via email on December 20, 2019 to counsel for **Apple Inc.** at the email addresses below:

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