

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SUPERCELL OY,
Petitioner,

v.

GREE, INC.,
Patent Owner.

PGR2020-00046 (Patent 10,328,347 B2)
PGR2020-00088 (Patent 10,518,177 B2)
PGR2021-00014 (Patent 10,583,362 B2)
PGR2021-00034 (Patent 10,610,771 B2)
PGR2021-00041 (Patent 10,625,149 B2)
IPR2020-00993 (Patent 10,286,318 B2)
IPR2020-01553 (Patent 10,076,708 B2)
IPR2020-01619 (Patent 10,413,832 B2)

Before LYNNE H. BROWNE, HYUN J. JUNG, AMANDA F. WIEKER,
and RICHARD H. MARSCHALL, *Administrative Patent Judges*.¹

WIEKER, *Administrative Patent Judge*.

¹ This is not an expanded panel; a three judge panel is assigned to each captioned case. This caption is used for the Board's convenience and may not be used by the parties without permission.

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ORDER
Granting Motions to Expunge
37 C.F.R. § 42.56

The Board denied the petitions requesting *inter partes* or post-grant review in each captioned proceeding, except in IPR2020-00993, which was terminated prior to a decision on institution. *See, e.g.*, PGR2021-00041, Paper 10;² IPR2020-00993, Paper 11. “After 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.” *See* 37 C.F.R. § 42.56.

On October 18, 2021, Petitioner filed motions to expunge certain exhibits from these proceedings. *See, e.g.*, PGR2021-00041, Paper 13 (moving to expunge Ex. 1007). Patent Owner does not oppose the motions. Ex. 3001.

A strong public policy exists for maintaining public access to all information filed in these administrative proceedings. Only “confidential information” is protected from disclosure. 35 U.S.C. § 316(a)(7). Moreover, our “rules aim to strike a balance between the public’s interest in maintaining a complete and understandable file history and the parties’ interest in protecting truly sensitive information.” Accordingly, a party seeking expungement of material from the record must show good cause by

² Similar papers appear in each captioned proceeding.

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demonstrating that “any information sought to be expunged constitutes confidential information, and that Petitioner’s interest in expunging it outweighs the public’s interest in maintaining a complete and understandable history of this [proceeding].” *Atlanta Gas Light Co. v. Bennett Regulator Guards, Inc.*, IPR2013-00453, Paper 97 at 2 (PTAB Apr. 15, 2015).

We are persuaded that expunging the identified exhibits would protect confidential information without harming the public’s interest in maintaining a complete and understandable file history. *See, e.g.*, Mot. 2–3. The Board did not rely upon the identified exhibits in its decisions denying institution or in the decision terminating the IPR2020-00993 proceeding. *See, e.g.*, PGR2021-00041, Paper 10; IPR2020-00993, Paper 11. Thus, we determine that the confidential information is not necessary to present a complete and understandable file history.

ORDER

Accordingly, it is:

ORDERED that Petitioner’s unopposed Motion is *granted* in each proceeding, and the exhibits identified below shall be expunged from the record:

PGR2020-00046, Exhibit 1026;
PGR2020-00088, Exhibit 1007;
PGR2021-00014, Exhibit 1007;
PGR2021-00034, Exhibit 1007;

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PGR2021-00041, Exhibit 1007;
IPR2020-00993, Exhibit 1030;
IPR2020-01553, Exhibit 1034;
IPR2020-01619, Exhibit 1029.

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