

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CHINA CHENGDA ENGINEERING CO., LTD.,
Petitioner,

v.

DORIAMO LTD.,
Patent Owner.

IPR2023-00365
Patent 8,591,852 B2

Before JO-ANNE M. KOKOSKI, JEFFREY W. ABRAHAM, and
JANE E. INGLESE, *Administrative Patent Judges*.

ABRAHAM, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Unopposed Motion to Expunge
37 C.F.R. § 42.56

I. BACKGROUND

China Chengda Engineering Co., Ltd. (“Petitioner”) filed a Petition for an *inter partes* review (Paper 2 (“Pet.”)) challenging claims 1–10 of U.S. Patent No. 8,591,852 B2 (Ex. 1001 (“the ’852 patent”)). Doriamo Ltd. (“Patent Owner”) filed a Preliminary Response under seal (Paper 6) along with a redacted public version (Paper 11). After receiving authorization from the Board, Petitioner filed a Reply to Patent Owner’s Preliminary Response (Paper 8 (confidential); Paper 10 (redacted public version)) and Patent Owner filed a Sur-reply (Paper 12 (confidential); Paper 15 (redacted public version)).

On July 6, 2023, the Board instituted an *inter partes* review of claims 1–10 of the ’852 patent on all challenges included in the Petition. Paper 13 (confidential); Paper 16 (redacted public version). Patent Owner did not file a response to the Institution Decision.

On October 25, 2023, the Board issued an order requiring Patent Owner to show cause why adverse judgment should not be entered against it. Paper 17, 2. Patent Owner responded by indicating that it “does not oppose entry of an adverse judgment with respect to Petitioner Chengda’s Petition for *inter partes* review concerning U.S. Patent No. 8,591,852.” Paper 18, 2. As a result, on November 20, 2023, the Board entered an adverse judgment against Patent Owner. Paper 19.

Petitioner now moves, unopposed, to expunge certain documents and evidence from the record. Paper 20. Specifically, Petitioner seeks to expunge the confidential versions of the following documents: Patent Owner’s Preliminary Response (Paper 6), Petitioner’s Reply to Patent Owner’s Preliminary Response (Paper 8), Patent Owner’s Sur-reply (Paper

12), and the Board's Institution Decision (Paper 13). Petitioner also seeks to expunge confidential Exhibits 1017, 2001, 2002, 2006, 2008–2016, and 2020–2022 from the record. The parties filed each of these documents and exhibits under seal, and we granted the parties' motions to seal (Papers 7, 9) and entered a protective order in this proceeding. Paper 16, 28–29.

Petitioner contends that good cause exists to expunge the documents and exhibits because they contain unredacted confidential information of the parties, and expunging these documents is necessary to protect the parties' interests in maintaining the confidentiality of the information. Paper 20, 2. Petitioner also contends that the confidential information does not relate to any substantive issues regarding patentability. Paper 20, 3–5. Additionally, Petitioner explains that it is not seeking to expunge the redacted public versions of Patent Owner's Preliminary Response (Paper 11), Petitioner's Reply to Patent Owner's Preliminary Response (Paper 10), Patent Owner's Sur-reply (Paper 15), and the Board's Institution Decision (Paper 16), which will remain part of the public record.

Based on the above uncontested assertions and the unopposed nature of the request, we find good cause exists to expunge the record to the extent requested by Petitioner and we grant the Motion.

II. ORDER

Accordingly, it is

ORDERED that Petitioner's unopposed motion to expunge is granted; and

FURTHER ORDERED that confidential Exhibits 1017, 2001, 2002, 2006, 2008–2016, and 2020–2022 and the confidential versions of Patent

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Owner's Preliminary Response (Paper 6), Petitioner's Reply to Patent
Owner's Preliminary Response (Paper 8), Patent Owner's Sur-reply (Paper
12), and the Board's decision granting institution of *Inter Partes* Review
(Paper 13) will be expunged from the record.

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