

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PELOTON INTERACTIVE, INC.,
Petitioner,

v.

NEC CORPORATION,
Patent Owner.

IPR2023-01240
IPR2023-01241¹
Patent 9,769,427 B2

Before MICHAEL J. STRAUSS, CHARLES J. BOUDREAU, and
CHRISTOPHER L. OGDEN, *Administrative Patent Judges*.

OGDEN, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. §§ 42.5(a), 42.14

¹ This order addresses an issue common to the above cases. The parties may not use this style caption without prior permission.

On May 1, 2024, NEC Corporation (“Patent Owner”) filed a Motion to Seal (IPR2023-01240, Paper 21; IPR2023-01241, Paper 22; “Motion”) in each of the above proceedings. The Motion requested, in part,² that Exhibits 2011–2019, 2022, and 2023³ be sealed under the Default Protective Order. Mot. 3–4.

We denied the Motion without prejudice on October 2, 2024. Paper 32.⁴ We also authorized Patent Owner to file a revised motion to seal Exhibits 2011–2019, 2022, and 2023, including redacted public versions of these exhibits and specific arguments as to why each of the redacted portions is entitled to protection under the Default Protective Order, no later than October 10, 2024, “or Exhibits 2011–2019, 2022, and 2023 will be made available to the public in their current form.” *Id.* at 9.

At the combined oral hearing for these proceedings, we indicated our understanding that “Patent Owner is not going to be pursuing a motion to seal those documents,” to which counsel for Patent Owner agreed. Paper 42, 5:20–6:10. We indicated that the Board would unseal the documents at a later time. *Id.*

There is a strong public policy for making all information in Board proceedings open to the public unless there is good cause. *See Argentum*

² In a previous order, we granted Patent Owner’s uncontested request for entry of the Default Protective Order (“Default Protective Order”). *See* IPR2023-01240, Paper 31; IPR2023-01241, Paper 33.

³ The relevant exhibit numbers are the same in both proceedings.

⁴ Unless otherwise indicated, paper numbers referenced herein refer to IPR2023-01240.

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Pharms. LLC v. Alcon Research, Ltd., IPR2017-01053, Paper 27 at 3 (PTAB Jan. 19, 2018) (informative). No good cause having been shown, and Patent Owner indicating it no longer seeks to keep the documents under seal, we determine that Exhibits 2011–2019, 2022, and 2023 should be made available to the public.

Accordingly, it is

ORDERED that the Board shall immediately move Exhibits 2011–2019, 2022, and 2023 to the public record.

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