

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MOTOROLA SOLUTIONS, INC.,

Petitioner,

v.

STA GROUP LLC,

Patent Owner.

Case IPR2023-01294
U.S. Patent No. 8,831,664 B2

**PETITIONER'S UNOPPOSED MOTION TO EXPUNGE
CONFIDENTIAL INFORMATION UNDER 37 C.F.R. § 42.56**

Submitted Electronically

Pursuant to 37 C.F.R. § 42.56 and authorization received via email from the Board on April 25, 2025, Petitioner Motorola Solutions, Inc. (“Motorola”) moves for an order expunging confidential documents filed under seal in this proceeding. Petitioner has met and conferred with counsel for Patent Owner, who indicated that Patent Owner does not oppose this motion.

I. Background

On October 15, 2024, Petitioner filed an unopposed motion for entry of the Board’s default Protective Order and a motion to seal Exhibits 1037 and 1041 filed with Petitioner’s reply. *See* Paper 27. Exhibit 1037 contains excerpts from the deposition of Dr. Shmuel Shaffer concerning U.S. Patent No. 8,831,664 (the “’664 Patent”) in the related district court litigation. *See* EX1037; Paper 27 at 1. Exhibit 1041 contains excerpts from the Expert Report of Dr. Matthew A. Pooley Regarding Infringement of U.S. Patent Nos. 8,831,664 and 8,994,830 in the related district court litigation. *See* EX1041; Paper 27 at 1. Exhibits 1037 and 1041 contain Petitioner’s confidential technical, product, and business information.

On March 14, 2025, the Board granted Petitioner’s unopposed motion for Protective Order. *See* Paper 41. The Board also found good cause to seal Exhibits 1037 and 1041 and granted Petitioner’s motion to seal under the Protective Order. *Id.* at 3.

On March 14, 2025, the Board issued its Final Written Decision in the matter. *See* Paper 42. The Board did not cite to or otherwise rely on Exhibit 1037 or 1041 in the Final Written Decision. *Id.*

II. The Confidential Documents Filed Under Seal In This Proceeding Should Be Expunged

Petitioner requests that Exhibits 1037 and 1041 be expunged from the record. The confidential nature of the documents and the minimal impact expungement would have on the public's understanding of the file history weigh in favor of granting this motion.

According to Patent Trial and Appeal Board practice, and as noted by the Board, “[c]onfidential information that is subject to a protective order ordinarily would become public 45 days after” the March 14, 2025, Final Written Decision. *See* Patent Trial and Appeal Board Consolidated Trial Practice Guide (November 2019) (“CTPG”) at 21-22; *see also* Paper 41 at 4; Paper 42. However, “[a] party seeking to maintain the confidentiality of information ... may file a motion to expunge the information from the record prior to the information becoming public.” CTPG, 22; *see also* 37 C.F.R. § 42.56. In deciding whether to expunge confidential information, the Board must balance “the needs of the parties to submit confidential information with the public interest in maintaining a complete and understandable file history.” CTPG, 22.

The information sought to be expunged constitutes confidential information. Exhibit 1037 contains excerpts from the deposition of Dr. Shaffer concerning the '664 Patent. Exhibit 1037 was designated "HIGHLY CONFIDENTIAL – UNDER PROTECTIVE ORDER" in the related district court litigation. *See, e.g.*, EX1037; Paper 41 at 3. The confidential information in Exhibit 1037 consists of confidential technical information related to a third-party's products. *See* Paper 27 at 3; Paper 41 at 3. Exhibit 1041 contains excerpts from the expert report of Dr. Pooley concerning the alleged infringement of the '664 Patent. Exhibit 1041 contains confidential information regarding the operation of Petitioner's products and was designated "CONFIDENTIAL – ATTORNEY'S EYES ONLY – SOURCE CODE" in the related district court litigation. *See* Paper 27 at 2-3; Paper 41 at 3. The confidential information in Exhibit 1041 consists of confidential technical information related to Petitioner's products. *See* Paper 27 at 3.

There is "an expectation that [confidential] information will be made public" only when "the existence of the information is referred to in a decision to grant or deny a request to institute review or is identified in a final written decision following a trial." CTPG, 22. The Board has previously granted motions to expunge confidential documents where the expunged documents were not necessary to understand the Board's decisions. *See Unverferth Mfg. Co., Inc. v. J&M Mfg. Co., Inc.*, IPR2014-00758, Paper 29, 2 (P.T.A.B. Sept. 30, 2015) (granting motion to expunge because the final written decision did not rely on the expunged document

and “the file and decision remain understandable in the absence of” the expunged document); *Apple Inc. v. Rembrandt Wireless Techs., LP*, IPR2020-00033, Paper 18, 5-6 (P.T.A.B. April 1, 2020) (granting motion to expunge because “no decision relied on the documents containing confidential information” and “the record would *not* be less understandable if the requested documents were expunged”). In these situations, the “public interest in maintaining a complete and understandable file history” is not compromised. CTPG, 22.

Exhibits 1037 and 1041 were not relied on by the Board when reaching its Final Written Decision, and the Board has not relied on these confidential documents anywhere else in this proceeding. *See* Paper 42. The record is therefore understandable even if these confidential documents are expunged.

In fact, these documents have been sealed from the public for the duration of this proceeding, in part because the Board recognized there was “good cause” to maintain Exhibits 1037 and 1041 under seal. *See* Paper 41, 3. Additionally, Exhibits 1037 and 1041 are designated HIGHLY CONFIDENTIAL and CONFIDENTIAL – ATTORNEY’S EYES ONLY – SOURCE CODE respectively and are under protective orders in both this proceeding and the district court litigation between the parties. Thus, there is equally good cause to keep these exhibits from the public record, especially where the documents were not relied on by the Board in its decisions.

Furthermore, the public's understanding of the parties' arguments is not hindered simply because they cannot access these documents. Importantly, Petitioner's Reply, which cites to Exhibits 1037 and 1041, is not redacted, and therefore, the public's understanding of the parties' arguments is not hindered simply because they cannot read the confidential technical, product, and business information contained in Exhibits 1037 and 1041. *See* Paper 20.

Accordingly, Petitioner respectfully submits that good cause exists here and requests the Board expunge from the record Exhibits 1037 and 1041.

III. Conclusion

For the reasons set forth above, Petitioner respectfully requests that the Motion to Expunge Confidential Information be granted.

April 25, 2025

Respectfully Submitted,

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CERTIFICATE OF SERVICE

In accordance with 37 C.F.R. §§ 42.6(e), the undersigned certifies that on April 25, 2025, a complete and entire copy of the **Petitioner's Unopposed Motion to Expunge Confidential Information** was served on Patent Owner via email at the following correspondence addresses:

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