

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION, HP INC., DELL INC., DELL
TECHNOLOGIES INC., ASUSTEK COMPUTER INC., AND
ASUS GLOBAL PTE. LTD.,
Petitioner,

v.

LITL LLC,
Patent Owner.

IPR2024-00457
Patent 9,880,715 B2

Before GARTH D. BAER, BRIAN D. RANGE, and DAVID COTTA,
Administrative Patent Judges.

RANGE, *Administrative Patent Judge.*

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

After institution of an *inter partes* review was denied, Petitioner timely filed a motion to expunge from the record the unredacted version of Patent Owner's Preliminary Response (Paper 11)¹ and Patent Owner's Exhibits 2018, 2020, 2023, 2025, 2032–34, and 2038–2039. Paper 22, 1 (“Mot”). The motion is unopposed by Patent Owner.

The Rules of Practice for Trial before the Patent Trial and Appeal Board provide that:

Confidential information that is subject to a protective order ordinarily will become public 45 days after denial of a petition to institute a trial or 45 days after final judgment in a trial. There is an expectation that information will be made public where the existence of the information is referred to in a decision to grant or deny a request to institute a review or is identified in a final written decision following a trial. A party seeking to maintain the confidentiality of information, however, may file a motion to expunge the information from the record prior to the information becoming public.

77 Fed. Reg. No. 157, Part V at Section I.E.6. (Aug. 14, 2012); *see also* 37 C.F.R. § 42.56 (“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.”).

Petitioner asserts that the sealed exhibits and related information in the Preliminary Response contain highly sensitive confidential information that would likely result in harm to Petitioner if publicly disclosed. Mot. 3. According to Petitioner, the confidential nature of the information in the sealed exhibits provides good cause for the Board to expunge the sealed exhibits and sealed version of the Preliminary Response. *Id.* at 3–4.

¹ The redacted and public preliminary response is in the record at Paper 13.

The exhibits and related information in the Preliminary Response were not cited or discussed in the Board’s Decision Denying Institution. A redacted, public version of the Preliminary Response has been filed and will remain in the record if the sealed version of the Preliminary Response is expunged. Thus, the public has access to all the materials relevant to the merits of this proceeding.

Based upon the foregoing, we grant Petitioner’s request to expunge the unredacted version of Patent Owner’s Preliminary Response (Paper 11) and Patent Owner’s Exhibits 2018, 2020, 2023, 2025, 2032–34, and 2038–2039 in this proceeding.

ORDER

For the foregoing reasons, it is

ORDERED that Petitioner’s Motion to Expunge is *granted*.

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For PETITIONER:

Jessica Kaiser
kaiser-ptab@perkinscoie.com
Christina McCullough
mccullough-ptab@perkinscoie.com
Kyle Canavera
canavera-ptab@perkinscoie.com
Tyler Knox
knox-ptab@perkinscoie.com

James Day
jday@fbm.com
Daniel Callaway
dcallaway@fbm.com

James Heintz
jim.heintz@dlapiper.com

For PATENT OWNER:

Gerald Hrycyszyn
ghrycyszyn-ptab@wolfgreenfield.com
Richard Giunta
rgiunta-ptab@wolfgreenfield.com