Filed on behalf of: Orca Security Ltd.

Entered: May 6, 2026

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WIZ, INC.,
Petitioner,

v.

ORCA SECURITY LTD.,
Patent Owner.

IPR2024-00863
Patent 11,663,031

PATENT OWNER'S MOTION TO EXPUNGE CONFIDENTIAL INFORMATION FROM THE RECORD

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I. Introduction

Pursuant to 37 C.F.R. § 42.56, Patent Owner Orca Security Ltd. ("Orca") respectfully moves to expunge from the record the confidential versions of the Patent Owner Response (Paper 32), Patent Owner Sur-Reply (Paper 60), Petitioner Reply (Paper 42), Patent Owner Demonstratives (Paper 68), Oral Hearing Transcript (Paper 79), Final Written Decision (Paper 85), and Exhibits 1400, 1401, 1402, 1414, 2073, 2074, 2172, 2173, 2300, 2301, 2302, 2303, 2304, 2306, 2307, 2308, 2309, 2312, 2400-2422, and 2425-2428 (collectively, "confidential documents").

The confidential documents contain sensitive technical, financial, and business information—such as financial data and design documents—central to Orca's business. Public disclosure would risk competitive harm by providing competitors access to non-public technical and commercial information. The public's interests are served by the publicly available redacted versions of the confidential documents.

The Board previously granted Orca's motions to seal the papers and exhibits. *See* Papers 37, 85.

II. Argument

A. Legal Standard

"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." PTAB Consol. Trial Prac. Guide ("Trial Prac. Guide") at 22 (Nov. 2019). The moving party has the burden to establish that it is entitled to the requested relief. 37 C.F.R. § 42.20(c).

"The Board has held [that] th[e] rule controlling the expungement of confidential information is subject to the same 'good cause' standard for granting a motion to seal under 37 C.F.R. § 42.54." *Corning Optical Commc'ns RF, LLC v. PPC Broadband, Inc.*, IPR2013-00346, Paper 94 at 3 (Oct. 2, 2018). While "[t]here 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," this "rule balances the needs of the parties to submit confidential information with the public interest in maintaining a complete and understandable file history for public notice purposes." Trial Prac. Guide at 22. For example, the Board has found good cause to expunge previously sealed material where doing so does not impact the public's interest because, for example, publicly available redacted versions are retained in the record. *See, e.g.*, *Samsung Elecs. Co. v. Nucurrent, Inc.*, IPR2019-00861, Paper 85 at 4-5 (Nov. 1, 2022). The Board has expunged confidential material if "the record of the proceedings and Final Written Decisions remain understandable in the absence of the redacted material." *See, e.g.*, *Apple Inc. v. Firstface Co.,* IPR2019-00612, Paper 30 at 3 (Nov. 29, 2021).

Additionally, the Board has generally expunged confidential information that it does not rely upon. *See, e.g.*, *Bio-Rad Lab'ys, Inc. v. 10x Genomics, Inc.*, IPR2019-00565, Paper 25 at 2 (Sept. 20, 2019) (expunging exhibits "not cited or discussed in the Board's Decision Denying Institution"); *Depuy Orthopaedics, Inc. v. Orthopaedic Hosp.*, IPR2015-00510, Paper 21 at 2 (Sept. 15, 2015) (similar); *Corning*, IPR2013-00346, Paper 94 at 3 (expunging an exhibit not relied on by the Board in the Final Written Decision); *FireKing Security Prods., LLC v. Ellenby Techs., Inc.*, IPR2021-00531, Paper 24 at 4 (Feb. 17, 2022) (expunging papers and exhibits "not relied on" in the decision granting institution or "this Order terminating the proceeding" due to the parties' settlement). The same principle applies even if the exhibit or paper is cited by the Board, where the specific confidential information is not substantively discussed or relied on by the Board even if the exhibit or paper is cited. *See, e.g.*, *Red Diamond, Inc. v. S. Visions, LLP*, IPR2020-00001, Paper 41 at 4 (Jan. 14, 2022) (expunging the confidential exhibit since the Final Written Decision "did not rely on the specific confidential information contained" in the paragraph of the confidential exhibit cited by the Board); *Apple*, IPR2019-00612, Paper 30 at 3 (similar); *Unified Patents, LLC v. Varatec, LLC*, IPR2019-01276, Paper 45 at 4 (Apr. 12, 2021) ("Final Written Decision does not substantively identify or rely on the confidential information contained in any of these documents").

B. Good Cause Exists to Expunge the Confidential Documents

Orca moves to expunge the confidential, non-public versions of the Patent Owner Response (Paper 32), Patent Owner Sur-Reply (Paper 60), Petitioner Reply (Paper 42), Patent Owner Demonstratives (Paper 68), Oral Hearing Transcript (Paper 79), Final Written Decision (Paper 85), and Exhibits 1400, 1401, 1402, 1414, 2073, 2074, 2172, 2173, 2300, 2301, 2302, 2303, 2304, 2306, 2307, 2308, 2309, 2312, 2400-2422, and 2425-2428. These materials were sealed under the Stipulated Protective Order, and disclosure would pose substantial competitive harm that outweighs any public interest in access.

As detailed above, the confidential documents contain financial data, design documents, and other sensitive business information central to Orca's operations. Orca established good cause to seal this information in its Motions to Seal (Papers 31, 55, 59, and 67), and the Board agreed. *See, e.g.*, Paper 37, Paper 85.

The confidential documents contain "trade secret or other confidential research, development, or commercial information" under 37 C.F.R. § 42.54(a) and are therefore eligible for expungement under 37 C.F.R. § 42.56. Because the information remains confidential and unchanged since filing, Orca has met its burden to show that "any information sought to be expunged constitutes confidential information." *RPX Corp.*, IPR2014-00171, Paper 62 at 3.

Orca's interest in confidentiality "outweighs the public's interest in maintaining a complete and understandable file history." *RPX Corp.*, IPR2014-00171, Paper 62 at 3. Competitors could use the information to gain unfair business advantages, and businesses typically protect this type of information to avoid competitive harm. The record also includes public, redacted versions of the Patent Owner Response, Petitioner's Reply, Patent Owner Sur-Reply, and Final Written Decision, so the public can still understand the parties' arguments and the non-confidential disclosures relied upon.

Because any public benefit from disclosure is minimal and substantially outweighed by the risk of competitive harm, Orca has shown good cause to expunge the confidential documents. The remaining public record (including the redacted versions where applicable) preserves a complete and understandable file history.

III. Conclusion

For the reasons set forth above, Orca respectfully requests that the Board expunge the confidential documents.

Respectfully submitted,

Dated: May 6, 2026

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 6th day of May, 2026, a true and correct copy of the foregoing **Patent Owner's Motion to Expunge Confidential Information from the Record** was served by electronic mail on Petitioner's lead and backup counsel at the following email addresses:

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