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Paper 90
Entered: June 2, 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 B2)
IPR2024-00864 (Patent 11,663,032 B2)
IPR2024-00865 (Patent 11,693,685 B2)[1]

Before MICHAEL R. ZECHER, GARTH D. BAER, and BRENT M. DOUGAL, *Administrative Patent Judges.*

ZECHER, *Administrative Patent Judge*.

ORDER
Granting Patent Owner's Motions to Expunge Confidential Information
37 C.F.R. § 42.56

[1] This Order addresses an issue that is identical in all three proceedings. We, therefore, exercise our discretion to issue one Order to be filed in each proceeding. The parties, however, are not authorized to use this style heading in any subsequent papers.

I. INTRODUCTION

In each proceeding, Patent Owner, Orca Security Ltd. ("Orca"), filed a Motion to Expunge confidential versions of certain papers and exhibits from the record. Paper 90 ("Mot")[2]. Petitioner, Wiz, Inc. ("Wiz"), did not file oppositions to Orca's Motions to Expunge. *See* Ex. 3101 (email corresponding indicating the Wiz will not participate further in these proceedings).

We previously granted the parties' Motions to Seal the relevant papers and exhibits and we entered the parties' Join Proposed Protective Order (Ex. 2161) to govern the disclosure of the business confidential information filed under seal. Paper 37; Paper 86 at 35–36. We take this opportunity to note that the time periods for the parties to appeal the Final Written Decision entered in each proceeding to the U.S. Court of Appeals for the Federal Circuit have expired and, as a result, Orca's Motions to Expunge are ripe for our consideration. *See, e.g.*, Paper 89 (Order Denying Orca's Request for Director Review of the Final Written Decision entered on March 25, 2026, so the time period for filing an appeal expired on May 27, 2026, which is 63 days after the date of the Director Review decision). For the reasons we identify below, we *grant* Orca's Motions to Expunge.

II. STANDARD OF REVIEW

As we explained in the Scheduling Order, a strong public policy exists for making all information filed in a trial open to the public. *See* Paper 9 at

[2] Unless otherwise noted, all references are to the papers and exhibits filed in IPR2024-00863. Similar papers and exhibits were filed in IPR2024-00864 and IPR2024-00865.

3. Only "confidential information" is protected from public disclosure. 35 U.S.C. § 316(a)(7)("The Director shall prescribe regulations . . . providing for protective orders governing the exchange and submission of confidential information."). The Consolidated Trial Practice Guide ("CTPG")[3] states the following:

> Confidential information that is subject to a protective order ordinarily would 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. 37 C.F.R. § 42.56. The 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. The rule encourages parties to redact sensitive information, where possible, rather than seeking to seal entire documents.

CTPG at I.E.6. "The rules aim to strike a balance between the public's interest in maintaining a complete and understandable file history and the parties' interest in protecting truly sensitive information." *Id.* at I.E.

As a general matter, "[t]he moving party has the burden of proof to establish that it is entitled to the requested relief." 37 C.F.R. § 42.20(c). The Board previously determined that 37 C.F.R. § 42.56, which governs the expungement of confidential information, is subject to the same "good cause" standard as 37 C.F.R. § 42.54, which governs the sealing of business confidential information and entry of a protective order. *See, e.g., RPX*

[3] *Available at* www.uspto.gov/patents/ptab/trial-practice-guide

Corp. v. VirnetX Inc., IPR2014-00171, Paper 62 at 3 (PTAB Sept. 9, 2014) (explaining that the "good cause" standard for granting a motion to seal and entering a protective order equally applies to a motion to expunge).

III. ANALYSIS

Orca contends that there is good cause to grant its Motions to Expunge because "[t]he confidential documents contain financial data, design documents, and other sensitive business information central to Orca's operations." Mot 4. Orca argues that its interest in preserving the confidentiality of these documents outweighs the public's interest in maintaining a complete and understandable file history because "[c]ompetitors could use the information to gain unfair business advantages, and businesses typically protect this type of information to avoid competitive harm." *Id.* at 5. In addition, Orca argues that the record in each proceeding includes public, redacted versions of the papers it seeks to expunge "so the public can still understand the parties' arguments and the non-confidential disclosures relied upon." *Id.* Orca asserts that, if we were to expunge the relevant papers and exhibits, "[t]he remaining public record . . . preserves a complete and understandable file history." *Id.*

We are persuaded that Orca satisfies the good cause standard to expunge the relevant papers and exhibits in order to protect its truly sensitive information, especially given that we concluded each proceeding by entering a Final Written Decision and there is no further opportunity for the parties to appeal those Final Written Decisions to the Federal Circuit. *See* Papers 85, 86, 89. As a result, we will expunge the non-public, unredacted versions of the papers identified by Orca together with the exhibits containing Orca's

business confidential information because, in our view, this balances the need to protect Orca's truly sensitive information with the public's interest in maintaining a complete and understandable file history for public notice purposes.

II. ORDER

Accordingly, it is

ORDERED that Orca's Motions to Expunge are *granted*;

FURTHER ORDERD that the following papers and exhibits will be expunged from the record in IPR2024-00863: Papers 32, 42, 60, 68, 79, 85; Exhibits 1400, 1401, 1402, 1414, 2073, 2074, 2172, 2173, 2300–2304, 2306–2309, 2312, 2400–2422, and 2425–2428;

FURTHER ORDERED that the following papers and exhibits will be expunged from the record in IPR2024-00864: Papers 32, 43, 61, 68, 79, 85; Exhibits 1400–1402, 1414, 2073, 2074, 2172, 2173, 2300–2304, 2306–2309, 2311, 2312, 2400–2422, and 2425–2428; and

FURTHER ORDERED that the following papers and exhibits will be expunged from the record in IPR2024-00865: Papers 32, 42, 60, 67, 78, 84, 85; Exhibits 1400–1402, 1414, 2073, 2074, 2172, 2173, 2300–2304, 2306–2309, 2312, and 2400–2428.

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