

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD., and
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner,

v.

OURARING, INC.,
Patent Owner.

PGR2024-00030 (Patent 11,868,178 B2)
PGR2024-00039 (Patent 11,874,702 B2)
IPR2024-01077 (Patent 10,139,859 B2)¹

Before LINDA E. HORNER, NEIL T. POWELL, and
MICHAEL A. VALEK, *Administrative Patent Judges*.

HORNER, *Administrative Patent Judge*.

ORDER

Granting Joint Motions to Preserve the Record Pending Appeal and
Extend the Time to File Motion to Expunge
37 C.F.R. § 42.5

¹ This Order jointly addresses the above-referenced proceedings. The parties are not permitted to use this caption unless authorized by the Board.

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The records of each of the above-captioned proceedings include sealed documents. *See* PGR2024-00030, Paper 57, 54–56 (granting parties’ motions to seal).² We entered Final Written Decisions in each of the above-captioned proceedings, the earliest of which was entered on November 25, 2025. Paper 57. According to our Consolidated Trial Practice Guide (CTPG), “[c]onfidential 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.” CTPG,³ 21–22. Thus, the earliest 45-day period for filing a motion to expunge in these proceedings would end on January 9, 2026.

Petitioner filed a Notice of Appeal from the Final Written Decision in PGR2024-00030. Paper 58. Thereafter, on January 5, 2026, the parties filed a Joint Motion requesting that the record be preserved pending appeal, including that all sealed documents be preserved in non-public form. Paper 59 (Motion or Mot.), 1. The parties also request that the Board extend the deadline for moving to expunge sealed confidential information until 14 days after the termination of any appeal. *Id.*

The time periods for seeking appeal from the Final Written Decisions in PGR2024-00039 and IPR2024-01077 have not yet expired. On January 5, 2026, the parties filed Joint Motions in these proceedings requesting that the record be preserved pending a possible appeal, including that all sealed

² This Order cites to items of record in PGR2024-00030, unless otherwise noted. Corresponding items are of record in PGR2024-00039 and IPR2024-01077.

³ *Available at* <https://www.uspto.gov/sites/default/files/documents/tpgnov.pdf>.

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documents be preserved in non-public form. PGR2024-00039, Paper 59, 2; IPR2024-01077, Paper 53, 2. The parties also request that the Board extend the deadline for moving to expunge sealed confidential information until 14 days after the termination of any appeal, or, if no appeal is taken, 14 days after the expiration of the time to file a notice of appeal. PGR2024-00039, Paper 59, 2–3; IPR2024-01077, Paper 53, 2–3.

In its Motions, Patent Owner asserts that the Federal Circuit’s rules require “the Board to retain the entire record of the proceeding pending appeal.” Mot. 2 (citing Fed. Cir. R. 17(a)). Thus, “the parties believe that expungement of portions of the record would be premature at this point, particularly since the sealed confidential information was discussed by the parties in their respective papers.” *Id.*

We find the parties’ arguments persuasive and grant the Motions. The records in these proceedings shall be preserved and the sealed documents shall not be expunged or made public until at least 14 days after the termination of any appeal, or, if no appeal is filed, until at least 14 days after the expiration of the time to file a notice of appeal. Either party may, however, file a motion to expunge before that time.

ORDER

Accordingly, it is

ORDERED that the parties’ Joint Motions to Preserve the Record Pending Appeal and Extend the Time to File Motion to Expunge are *granted*;

FURTHER ORDERED that all sealed documents in PGR2024-00030 are to be preserved in non-public form pending appeal and all sealed

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documents in PGR2024-00039 and IPR2024-01077 are to be preserved in non-public form pending possible appeal; and

FURTHER ORDERED that the deadline to file a motion seeking to expunge sealed confidential information is extended in each proceeding until 14 days after the termination of any appeal, or, if no appeal is taken, 14 days after the expiration of the time to file a notice of appeal.

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