

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.

IPR2024-01078
Patent 10,281,953 B2

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

POWELL, *Administrative Patent Judge*.

ORDER

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

The record of this proceeding includes sealed documents. *See* Papers 50–53 (granting parties’ motions to seal). We entered a Final Written Decision on January 27, 2026. Paper 49. 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,¹ 21–22. Thus, the 45-day period for filing a motion to expunge would end on March 13, 2026.

The time period for seeking appeal from the Final Written Decision has not yet expired. On January 29, 2026, the parties filed a Joint Motion requesting that the record be preserved pending a possible appeal, including that all sealed documents be preserved in non-public form. Paper 55 (“Mot.”),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. Mot. 2–3.

The parties assert 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 Motion. The record shall be preserved and the sealed documents shall not be expunged or

¹ Available at <https://www.uspto.gov/sites/default/files/documents/tpgnov.pdf>.

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 Motion to Preserve the Record Pending Appeal and Extend the Time to File Motion to Expunge is *granted*;

FURTHER ORDERED that all sealed documents in the record 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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