

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SINCLAIR PHARMA LIMITED, SINCLAIR PHARMA US, INC.,
VIOA, INC., EMA AESTHETICS LTD., AND AESTHETIC
MANAGEMENT PARTNERS, LLC AND AESTHETIC MANAGEMENT
PARTNERS, INC.
Petitioner,

v.

HYDRAFACIAL LLC,
Patent Owner.

IPR2025-00145
Patent 11,865,287 B2

Before ERIC C. JESCHKE, CYNTHIA M. HARDMAN, and
JAMIE T. WISZ, *Administrative Patent Judges*.

WISZ, *Administrative Patent Judge*.

DECISION
Granting Patent Owner's Motion to Expunge
37 C.F.R. § 42.56

Pursuant to 37 C.F.R. § 42.56, Hydrafacial LLC (“Patent Owner”) moves to expunge Patent Owner’s confidential exhibits (sealed Exhibits 2003, 2004, 2009, 2010, 2099, 2100, 2113, 2114, 2141, and 2145) and unredacted Patent Owner Response (sealed Paper 23) submitted in this proceeding. Paper 49, 1 (“Motion”). Patent Owner also requests that the Board expunge confidential exhibits (sealed Exhibits 1044, 1085, 1086, 1094, and 1096) and the unredacted Reply (sealed Paper 39) filed by Sinclair Pharma Limited, Sinclair Pharma US, Inc., Viora, Inc., EMA Aesthetics, Ltd., Aesthetic Management Partners, LLC, and Aesthetic Management Partners, Inc. (collectively “Petitioner”). *Id.* Petitioner has not filed an opposition to this Motion. *Id.* For the reasons set forth below, we *grant* Patent Owner’s Motion.

A strong public policy exists for making information filed in a post-grant review publicly available. 37 C.F.R. § 42.14; *see also* Trial Practice Guide¹ §§ I.E.5, I.E.6. The public’s interest in maintaining a complete and understandable file history is balanced with the party’s interest in protecting its truly sensitive, confidential information. *See* Trial Practice Guide §§ I.E.5, I.E.6. Because there is an expectation that confidential information ordinarily becomes public 45 days after termination of an *inter partes* review, a party wishing to preserve its confidentiality may file a motion to expunge the information from the record. *Id.*; 37 C.F.R. § 42.56.

The documents referenced above were filed after we entered our Institution Decision and were not cited or discussed in the Director’s Order Initiating Sua Sponte Director Review, the Director’s Order Vacating the

¹ Available at www.uspto.gov/patents/ptab/trial-practice-guide.

Decision Granting Institution and Denying Institution of *Inter Partes* Review, nor the Director's Order Denying Request for Rehearing. *See* Papers 12, 40, 41, 46. As such, expunging these documents would not hinder the public's ability to understand these decisions. Our review of the papers and exhibits sought to be expunged indicates that they contain confidential information. We therefore agree with Patent Owner that the public's interest in being able to access this information does not outweigh Patent Owner's need to protect its confidential information. We note, however, that, while a public redacted version of Patent Owner's Response was filed (Paper 24), Petitioner did not file a redacted version of the Reply. In order to provide the public with as complete a record as possible, Petitioner shall file a public redacted version of the Reply (Paper 39) within 20 calendar days of this Order. Accordingly, we grant Patent Owner's request to expunge.

Accordingly, it is:

ORDERED that Patent Owner's Motion to Expunge is *granted*, and the unredacted versions of Papers 23 and 39, and Exhibits 1044, 1085, 1086, 1094, 1096, 2003, 2004, 2009, 2010, 2099, 2100, 2113, 2114, 2141, and 2145 are *expunged*; and

ORDERED that Petitioner shall file a public redacted version of the Reply within 20 calendar days of this Order.

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FOR PETITIONER:

Scott A. McKeown
WOLF, GREENFIELD & SACKS, P.C.
smckeown-ptab@wolfgreenfield.com

Roberto J. Fernandez
FOLEY & LARDNER, LLP
rfernandez@foley.com

FOR PATENT OWNER:

Ali S. Razai
Benjamin J. Everton
Benjamin B. Anger
Alexander B. Stein
Jacob L. Peterson
MORGAN, LEWIS & BOCKIUS LLP
ali.razai@morganlewis.com
ben.everton@morganlewis.com
ben.anger@morganlewis.com
alexander.stein@morganlewis.com
jacob.peterson@morganlewis.com