

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Stanley Black & Decker, Inc.
Petitioner

v.

Howmet Aerospace Inc.
Patent Owner

IPR2025-01581
U.S. Patent No. 11,885,358

**PETITIONER’S UNOPPOSED MOTION TO EXPUNGE
CONFIDENTIAL/SEALED EXHIBIT 1022 UNDER 37 C.F.R. § 42.56**

Under 37 C.F.R. § 42.56, Petitioner Stanley Black & Decker, Inc. (“Petitioner”) hereby moves to permanently expunge Petitioner’s sealed/confidential Search Disclosure Declaration (“SDD”) (Exhibit 1022) from the record. Petitioner conferred with counsel for Patent Owner on this matter, and Patent Owner does not oppose this motion. Exhibit 1022 discloses and discusses Petitioner’s confidential search activity, which Petitioner has a strong interest in protecting.

If the Board is not inclined to grant this motion, Petitioner respectfully requests a conference call with the Board to discuss the issues raised in this motion before any information becomes irreversibly public.

I. AUTHORIZATION FOR THE MOTION

Petitioner contacted the Board by email for authorization to file this motion on March 31, 2026, and received authorization on April 9, 2026 via email (Exhibit 3001).

II. STATEMENT OF PRECISE RELIEF REQUESTED (37 CFR § 42.22(a)(1))

Petitioner requests that confidential Exhibit 1022 be permanently expunged from the record in its entirety under 37 CFR § 42.56.

III. STATEMENT OF THE REASONS FOR THE RELIEF REQUESTED (35 CFR 42.22(a)(2))

Confidential information “ordinarily” becomes public after denial of a

petition to institute a trial. November 2019 Consolidated Trial Practice Guide (“CTPG”), Section I(E)(6), p. 21. However, 37 C.F.R. § 42.56 authorizes a “party seeking to maintain the confidentiality of information” to “file a motion to expunge the information from the record prior to the information becoming public.” *Id.* There is good cause to expunge Exhibit 1022 from the record in its entirety under 37 C.F.R. § 42.56 for several reasons.

First, paragraph 4 of Exhibit 1022 (Petitioner’s SDD) discloses and discusses Petitioner’s confidential search activity, which Petitioner has a strong interest in protecting, as explained in Petitioner’s original motion to seal Exhibit 1022. *See* Paper 7.

Second, Petitioner confidentially filed this SDD (Ex. 1022) under the encouragement of the Director, and with the expectation that the SDD would remain confidential under the terms of the Director’s SDD memorandum. *See* 11/17/25 Director Memorandum: Voluntary Search Disclosure Declarations as a Favorable Factor in Institution Decisions; *see also* 11/26/25 Petitioner Motion To Seal (Paper 7). Exposing such confidential SDDs to the public would discourage future parties from submitting such SDDs.

Third, Petitioner’s request is narrowly tailored to expunging only the confidential portion of paragraph 4 of Exhibit 1022. *See* CTPG, Section I(E)(6), p. 22 (“The rule encourages parties to redact sensitive information, where possible,

rather than seeking to seal entire documents.”). Petitioner previously filed a public, redacted version of Exhibit 1022 as Exhibit 1023. Exhibit 1023 redacts only the confidential portion of paragraph 4 of Exhibit 1022. As a result, expunging the entire Exhibit 1022 will effectively only expunge the confidential portion of paragraph 4 of Exhibit 1022.

Fourth, Petitioner’s Exhibit 1022 was not “referred to in a decision to grant or deny a request to institute a review” and was not “identified in a final written decision following a trial,” so the public would not benefit from accessing Exhibit 1022. CTPG, Section I(E)(6), p. 22. The Director’s discretionary denial of Petitioner’s IPR petition did not cite or rely on Exhibit 1022. *See* Paper 13.

In sum, Petitioner’s interest in expunging Exhibit 1022 outweighs any public interest in accessing Exhibit 1022, so there is good cause to expunge Exhibit 1022.

IV. CONCLUSION

For the reasons set forth above and in Petitioner’s previous motion (Paper 7) to seal Exhibit 1022, Petitioner respectfully requests that Exhibit 1022 be expunged from the record.

Respectfully submitted,

April 9, 2026

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Counsel for Petitioner

Certificate of Service

Pursuant to 37 CFR §§ 42.6(e)(1), the undersigned certifies that on April 9, 2026, the attached PETITIONER’S UNOPPOSED MOTION TO EXPUNGE CONFIDENTIAL/SEALED EXHIBIT 1022 UNDER 37 C.F.R. § 42.56 was served by email on the following counsel for Patent Owner:

- Heath J. Briggs: BriggsH@gtlaw.com
- Scott Bornstein: Scott.Bornstein@gtlaw.com
- Trenton A. Ward: Trenton.Ward@gtlaw.com
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April 9, 2026

/Benjamin L. Kiersz/
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