Date: April 16, 2026

Filed on behalf of **Brain Corporation**
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AVIDBOTS CORP. and AVIDBOTS USA CORP.,
Petitioners,

v.

BRAIN CORPORATION.,
Patent Owner

Case No. IPR2025-01603
US Patent No. 10,823,576

PATENT OWNER'S UNOPPOSED MOTION TO EXPUNGE

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.56, Patent Owner Brain Corporation ("Brain" or "Patent Owner") hereby requests that certain confidential information be expunged from the record. Specifically, Patent Owner requests that the Board expunge the confidential versions of Patent Owner's Discretionary Denial Brief (Paper 9), Petitioner's Brief Opposing Discretionary Denial (Paper 13), and Exhibits 1026, 1029, 1031, 1032, 1033, 1034, 1035, 1037, 1038, and 2022 which contain Brain confidential information.

A protective order (Ex. 2001) has been entered in this proceeding. *See* Paper 17 (Order Granting Motion for Entry of Protective Order). The papers and exhibits that Patent Owner moves to expunge were filed under seal along with motions to seal those papers and exhibits. *See* Paper 10 (Patent Owner's Motion to Seal); Paper 11 (Petitioner's Motion to Seal). As of the filing of this motion, the Board has not ruled on the motions to seal.

On March 10, 2026, the Director issued a Notice of Decisions on Institution summarily denying institution of this IPR based on discretionary and non-merits considerations. On April 6, 2026, Petitioner filed a request for refund of post-institution fees. Paper 17. On April 7, the Board granted the refund request. Paper 18. As of the filing of this motion, none of the papers and exhibits that Patent Owner seeks to expunge have been made public in any other proceeding.

As memorialized in Section 8 of the parties' agreed Protective Order (Ex. 2001 at §8), Avidbots agreed that it will not oppose Brain's request to expunge Brain's confidential information from this proceeding. Accordingly, this motion is unopposed.

II. LEGAL STANDARDS

37 C.F.R. § 42.56 provides that "after final judgment in a trial, a party may file a motion to expunge confidential information in the record." A party seeking expungement from the record must show good cause by demonstrating that "any information sought to be expunged constitutes confidential information, and that [the moving party's] interest in expunging it outweighs the public's interest in maintaining a complete and understandable history of this *inter partes* review." *Atlanta Gas Light Co. v. Bennett Regulator Guards, Inc.*, IPR2013-00453, Paper 97 at 2 (Apr. 15, 2015).

III. GOOD CAUSE EXISTS TO EXPUNGE

As detailed in the motions to seal, all of the documents that Patent Owner moves to expunge were related to discretionary denial arguments and not the merits of any invalidity challenge.

Exhibit 2022 is a declaration by Brain's Head of Finance that includes confidential information regarding the dollar amount that Brain invested in the

research, development, design, and implementation of Brain's inventions and the date on which Brain's inventions were implemented into Brain's products.

Exhibits 1026, 1033, 1034, 1035 are Brain's licenses with its business partners that were produced under a protective order in a parallel district court litigation. These licenses are the confidential information of both Brain and its business partners and contain confidential details of the terms and conditions of those licenses. Moreover, the terms of the licenses themselves require the licenses to be kept confidential. Exhibit 1029 is Brain's confidential interrogatory response in related litigation describing those licenses.

Exhibits 1031, 1032, 1037, and 1038 are also Brain's confidential internal documents, emails, and Board meeting minutes which were produced and designated as Highly Confidential Attorneys' Eyes Only under the protective order in the parallel litigation. These documents and emails include Brain's confidential market analyses, strategic product plans, and financial information, all of which would cause significant competitive injury to Brain if publicly disseminated and made available to Brain's competitors.

Brain's Discretionary Denial Brief (Paper 9) discusses the confidential information in Exhibit 2022. Further, Petitioner's Brief Opposing Discretionary Denial (Paper 13) discusses Brain's confidential information in Exhibits 1026, 1029,

1031-1035, 1037, and 1038. Public, redacted versions of both briefs were filed as Papers 8 and 14, respectively.

All the above-listed information is Brain's confidential business information, has not been made public, and could cause competitive business injury to Brain if publicly disseminated by allowing Brain's competitors to acquire confidential information about Brain's finances, research and development processes, business agreements, and executive decision-making not available elsewhere.

Brain's interest in expunging its confidential information outweighs any public interest in making the information public at least because none of the confidential information relates to the merits of any invalidity challenge. Further, the public versions of the parties' briefs and exhibits contain narrowly tailored redactions that provide the public with the thrust of the parties' discretionary denial arguments. Thus, the file history of the '576 Patent would be understandable without the confidential information. Moreover, the Director issued a discretionary denial decision without an opinion and without citing any of the confidential documents. Thus, the public does not need access to the confidential documents to understand the Director's discretionary denial decision. Accordingly, Brain's interest in expunging its confidential information greatly outweighs the little to no public interest in making the confidential information public.

IV. CONCLUSION

For the foregoing reasons, Brain respectfully requests that the Board expunge the confidential versions of Patent Owner's Discretionary Denial Brief (Paper 9), Petitioner's Brief Opposing Discretionary Denial (Paper 13), and Exhibits 1026, 1029, 1031, 1032, 1033, 1034, 1035, 1037, 1038, and 2022.

Respectfully submitted,

KNOBBE MARTENS OLSON & BEAR, LLP

Dated: April 16, 2026

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Brain Corporation

CERTIFICATE OF SERVICE

I hereby certify that, pursuant to 37 C.F.R. §42.6(e) and with the agreement of counsel for Petitioners, a true and correct copy of the nonconfidential version of **PATENT OWNER'S UNOPPOSED MOTION TO EXPUNGE** are being served electronically on April 16, 2026, to the e-mail addresses shown below:

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Dated: April 16, 2026

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