

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

TOPWIRE LLC,
Patent Owner

IPR2026-00324
Patent No. 9,859,202 B2

**PETITIONER'S MOTION TO EXPUNGE
UNDER 37 C.F.R. § 42.56**

I. Statement of Precise Relief Requested Under 37 C.F.R. § 42.22(a)(1)

Pursuant to 37 C.F.R. § 42.56 and the Board’s authorization received by email on August 5, 2026, Petitioners move to expunge from the record the confidential version of Petitioners’ Opposition to Patent Owner’s Request for Discretionary Denial (Paper 10) (“Opposition”) and Exhibits 1033 and 1034 (collectively, the “Confidential Documents”). The Confidential Documents were filed under seal in this proceeding, which has now been terminated pursuant to the Board’s decision (Paper 15). If the Board denies in whole or in part Petitioners’ Motion to Expunge, Petitioners respectfully request that any document(s) the Board previously ordered sealed but does not order expunged remain confidential. Petitioners and Patent Owner have conferred, and Patent Owner has indicated that it does not object to this Motion.

II. Statement of Reasons for Relief Requested Under 37 C.F.R. § 42.22(a)(2)

A. Applicable Legal Standards

37 C.F.R. § 42.56 provides: “After denial of a petition to institute a trial or after final judgment in a trial, a party may file a motion to expunge confidential information from the record.” *See also* Consolidated Trial Practice Guide (“TPG”), 21–22 (“A party seeking to maintain the confidentiality of information [] may file a motion to expunge the information from the record prior to the information becoming public.”). The Board has previously explained that a party moving to

expunge must show that (i) “any information sought to be expunged constitutes confidential information” and (ii) the movant’s interest in expunging the information “outweighs the public’s interest in maintaining a complete and understandable file history.” *RPX Corp. v. Virnetx Inc.*, IPR2014-00171, Paper 62 at 3 (P.T.A.B. Sept. 9, 2014). The Board must strike “a balance between the public’s interest in maintaining a complete and understandable file history and the parties’ interest in protecting truly sensitive information.” TPG, 19; 37 C.F.R. § 42.54(a).

B. Expungement of Documents Filed Under Seal

Good cause exists to expunge the Confidential Documents. As detailed in Petitioners’ Motion to Seal and Enter Modified Protective Order (Paper 12), these documents contain Petitioners’ confidential commercial and business strategy information, which is likely to cause significant competitive harm to Petitioners’ existing or prospective commercial relationships, if disclosed to the public. Specifically, Exhibits 1033 and 1034 are declarations regarding Petitioners’ U.S. manufacturing investments related to the accused products. The Opposition references the sensitive confidential commercial and business strategy information included in these exhibits. Petitioners consider and treat this information as proprietary and confidential, as it would have competitive value to entities seeking to duplicate their manufacturing and business efforts. Additionally, publication of the internal business strategies and

financial information included in these documents would unfairly disadvantage Petitioners in defending against patent assertion entities.

The public's interests would not be harmed by expunging the Confidential Documents. The public has little need or right to know the precise details of Petitioners' confidential commercial information and manufacturing relationships, which are included in these documents. The public version of Petitioners' Opposition is largely unredacted and provides a full record and understanding of the case to the public. Further, this proceeding was terminated due to settlement before institution, and none of the Confidential Documents are cited, referenced, or implicated in any orders or decisions entered by the Board or Director.

III. Conclusion

For the foregoing reasons, Petitioners respectfully request that the Board grant the motion to expunge Paper 10 and Exhibits 1033 and 1034.

Date: August 7, 2026

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CERTIFICATE OF SERVICE

In accordance with 37 C.F.R. §§42.6(e) and 42.105, the undersigned certifies that, on this date, the foregoing was served via electronic mail to counsel of record for Patent Owner as follows:

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Date: August 7, 2026

Respectfully submitted,

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