

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ARRIS GROUP, INC.,  
Petitioner,

v.

C-CATION TECHNOLOGIES, LLC,  
Patent Owner.

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Case IPR2014-00746  
Patent 5,563,883

Before MIRIAM L. QUINN, *Acting Vice Chief Patent Judge*,  
KRISTEN L. DROESCH, and KALYAN K. DESHPANDE, *Administrative  
Patent Judges*.

DROESCH, *Administrative Patent Judge*.

DECISION  
Petitioner's Motion to Expunge  
*37 C.F.R. §§ 42.56, 42.71(a)*

On March 10, 2015, Petitioner filed a Motion to Expunge (Paper 29, "Mot. to Expunge"), requesting to expunge the following confidential information from the record of this proceeding: Exhibits 2012, 2014, 2015, 2016, and Patent Owner's unredacted Preliminary Response (Paper 19).

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Mot. to Expunge 2. Exhibits 2012, 2014, 2015, and 2016 were produced by Petitioner in response to the grant of Patent Owner’s Motion for Additional Discovery (Paper 15). Petitioner filed an unopposed Motion for Entry of the Default Protective Order (Paper 16, Ex. 1026) and filed Exhibits 2012, 2014, 2015, and 2016 marked with “PROTECTIVE ORDER MATERIAL.” We granted Petitioner’s Motion for Entry of the Default Protective Order. Paper 18. Patent Owner filed an unredacted Preliminary Response (Paper 19), discussing the information disclosed in Exhibits 2012, 2014, 2015, and 2016, along with a Motion to Seal the unredacted Preliminary Response (Paper 20), and a redacted public version of the Preliminary Response (Paper 21). In our Decision to Institute *inter partes* review (Paper 22, “Dec.”), we granted Patent Owner’s Motion to Seal the Preliminary Response. Dec. 27–28. Subsequently, on February 18, 2015, we granted Patent Owner’s request for adverse judgment. Paper 28.

For the reasons that follow, Petitioner’s Motion to Expunge is *granted*.

#### ANALYSIS

A strong public policy exists for making information filed in an *inter partes* review publicly available. *See* Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,760–61 (Aug. 14, 2012). Only “confidential information” is protected from disclosure. 35 U.S.C. § 316(a)(7). After final judgment in a trial, a party seeking to maintain the confidentiality of the information may file a motion to expunge the information from the record. 37 C.F.R. § 42.56. Rule 42.56 “balances the needs of the parties to submit confidential information with the public interest in maintaining a

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complete and understandable file history for public notice purposes.” Office Patent Trial Practice Guide, 77 Fed. Reg. at 48,761.

Petitioner provides argument, supported by declarant testimony, addressing the need to maintain the confidentiality of the information disclosed in Exhibits 2012, 2014, 2015, 2016, and Patent Owner’s unredacted Preliminary Response (Paper 19). Mot. to Expunge 3–4 (citing Ex. 1027 ¶¶ 3–5). Petitioner also points out that our Decision to Institute *inter partes* review (Paper 22, “Dec.”) does not discuss explicitly Petitioner’s confidential information. *Id.* at 4; *see* Dec. 8–10.

In view of the limited discussion of Petitioner’s confidential information in our Decision (*see* Dec. 8–10), and Petitioner’s arguments addressing the confidentiality of the information, we conclude that Petitioner’s need to maintain the confidentiality of the information disclosed in Exhibits 2012, 2014, 2015, 2016, and the unredacted Preliminary Response (Paper 19) outweighs the public interest in maintaining a complete and understandable file history for public notice purposes.

#### ORDER

Accordingly, it is

ORDERED that Exhibits 2012, 2014, 2015, 2016, and Patent Owner’s unredacted Preliminary Response (Paper 19) are *expunged*.

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