

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

OPENTV, INC.,
Patent Owner.

Case IPR2015-00969 (Patent 5,884,033)
Case IPR2015-00980 (Patent 5,566,287)
Case IPR2015-01031 (Patent 7,900,229 B2)¹

Before JAMES B. ARPIN, DAVID C. MCKONE, and SCOTT C. MOORE,
Administrative Patent Judges.

ARPIN, *Administrative Patent Judge.*

DECISION

Granting Joint Requests to Expunge
37 C.F.R. §§ 42.5(a), 42.5(b), and 42.56

¹ This Decision applies to each of the listed cases. We exercise our discretion to issue one Decision to be docketed in each case. The parties, however, are not authorized to use this caption for any subsequent papers.

IPR2015-00969 (Patent 5,884,033)
IPR2015-00980 (Patent 5,566,287)
IPR2015-01031 (Patent 7,900,229 B2)

DISCUSSION

The parties jointly filed various exhibits (the “supporting exhibits”) in support of their Joint Motions to Terminate Proceedings in each of the above-captioned proceedings. *See* IPR2015-00969, Paper 22; IPR2015-00980, Paper 21; IPR2015-01031, Paper 22. The supporting exhibits were filed either for “Board Only” or for “Board and Parties Only.” On September 10, 2016, we issued a Decision denying the Joint Motions to Terminate Proceedings. IPR2015-00969, Paper 29; IPR2015-00980, Paper 28; IPR2015-01031, Paper 29. In that Decision, we authorized the parties to file joint motions to expunge the supporting exhibits within ten (10) business days of the entry of the Decision, i.e., on or before September 23, 2016. IPR2015-00969, Paper 29, 6; IPR2015-00980, Paper 28, 6; IPR2015-01031, Paper 29, 6. The parties timely filed the authorized joint motions (the “Joint Requests to Expunge”) requesting that we expunge the following exhibits from each proceeding:

Proceeding	Exhibits to be Expunged
IPR2015-00969	1013 and 2008–2012
IPR2015-00980	1015 and 2008–2012
IPR2015-01031	1021 and 2003–2007

IPR2015-00969, Paper 31, 1; IPR2015-00980, Paper 30, 1; IPR2015-01031, Paper 30, 1. Because these exhibits allegedly include confidential information, because we denied the parties’ Joint Motions to Terminate Proceedings, and because the parties chose not to file requests for rehearing of our Decision denying the Joint Motions to Terminate Proceedings, we *grant* the parties’ joint request to expunge these exhibits.

IPR2015-00969 (Patent 5,884,033)
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ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the parties' Joint Request to Expunge are *granted*;

and

FURTHER ORDERED that Exhibits 1013 and 2008–2012 are expunged from the record of IPR2015-00969, Exhibits 1015 and 2008–2012 are expunged from the record of IPR2015-00980, and Exhibits 1021 and 2003–2007 are expunged from the record of IPR2015-01031.

IPR2015-00969 (Patent 5,884,033)
IPR2015-00980 (Patent 5,566,287)
IPR2015-01031 (Patent 7,900,229 B2)

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