

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ALPHONSO, INC.,  
Petitioner,

v.

FREE STREAM MEDIA COPR. D/B/A SAMBA TV,  
Patent Owner.

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Case No. IPR2017-01730  
Patent No. 9,386,356 B2

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Before HUBERT C. LORIN, MICHAEL W. KIM, and  
KALYAN K. DESHPANDE, Administrative Patent Judges.

LORIN, *Administrative Patent Judge.*

ORDER  
Granting Patent Owner's Motion to Expunge  
37 C.F.R § 42.5

On February 12, 2018, Patent Owner filed an Unopposed Motion to Expunge "confidential versions of Patent Owner's Preliminary Response to the Petition and Exhibits 2006, 2009–2010, 2020–2034, 2036, and 2038–2041." Paper 16, 1.

Patent Owner previously filed a Motion to Seal "request[ing] the Board to authorize the filing under seal of the confidential versions of

Samba’s Preliminary Response to the Petition and Exhibits 2006, 2009–2010, 2020–2034, 2036, and 2038–2041.” Paper No. 8, 1. Petitioner agreed “to join, and [did] join, Patent Owner’s Motion to Seal in full.” Paper No. 9, 1. In an Order (Paper 15), we denied the Motion to Seal as moot, because we did not rely on any information set forth in the confidential version of (1) the Patent Owner’s Preliminary Response (Paper 6) that was not present in the redacted version (Paper 7), or (2) any of the aforementioned Exhibits in denying the Petition to institute a trial. Paper 15, 2.

Based on the record before us, we are persuaded that the need to protect the confidential information in the confidential versions of Patent Owner’s Preliminary Response (Paper 6) to the Petition and Exhibits 2006, 2009, 2010, 2020–2034, 2036, and 2038–2041 outweighs the public interest in unsealing said confidential version and exhibits. Accordingly, we are persuaded that it is appropriate to expunge them from the record.

We determine that it is also appropriate to expunge the confidential version of Patent Owner’s Sur-Response to the Petition (Paper 13).<sup>1</sup> We did not rely on any information set forth in the confidential version (Paper 13) of the Patent Owner’s Sur-Response that was not present in the redacted version (Paper 12).

Accordingly, it is:

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<sup>1</sup> The Board authorized Petitioner’s request to file additional briefing, and authorized Patent Owner to file a reply to Petitioner’s additional briefing. Paper 10. Confidential (Paper 13) and redacted (Paper 12) versions of Patent Owner’s Sur-Reponse to the Petition were filed in response to Petitioner’s Preliminary Reply to Patent Owner’s Preliminary Response (Paper 11), as authorized.

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ORDERED that the confidential versions of Patent Owner's Preliminary Response to the Petition (Paper 6); Exhibits 2006, 2009, 2010, 2020–2034, 2036, and 2038–2041; and, Patent Owner's Sur-Response to Petition (Paper 13) be expunged from the record.

PETITIONER:

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