

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.
Petitioner,

v.

FALL LINE PATENTS, LLC
Patent Owner.

Case IPR2018-00043
Patent 9,454,748 B2

Before MICHELLE N. WORMMEESTER, SHEILA F. McSHANE, and
JOHN R. KENNY, *Administrative Patent Judges*.

KENNY, *Administrative Patent Judge*.

ORDER

Motion to Expunge, Preservation of Record in the Event of an Appeal
37 C.F.R. § 42.56

Petitioner filed a motion (Paper 40) seeking to expunge Papers 30 and 31 and Exhibit 2009. Paper 40, 1. Patent Owner opposed this motion. Paper 41.

In another order being issued concurrently, we grant the pending motions to seal (Papers 29 and 32) with respect to Papers 30 and 31 and Exhibit 2009. Therefore, Papers 30 and 31 and Exhibit 2009 shall remain

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sealed until (i) forty-five days after the termination of an appeal or (ii) forty-five days after the period for filing a notice of appeal has expired if no notice of appeal is filed. *See* Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48761; *Hyperbranch Med. Techn., Inc., v. Incept LLC*, IPR2016-10836, Paper 68, 2. We deny Petitioner's motion to expunge (Paper 40) because the time period for filing a notice to appeal has not expired, and the record for this proceeding should be fully preserved in the event of an appeal.

Petitioner may file another motion to expunge within twenty days *after* (i) the time period for filing a notice of appeal has expired if no notice of appeal is filed or (ii) the termination of an appeal from this proceeding if a notice of appeal is filed. Such motion to expunge and any opposition to it should address the merits of expunging Papers 30 and 31 and Exhibit 2009 in light of the appellate record (if any) as well as the current record.

Accordingly, it is:

ORDERED that Petitioner's Motion to Expunge (Paper 40) is
DENIED;

FURTHER ORDERED that Papers 30 and 31 and Exhibit 2009 shall not be expunged, and shall remain sealed until (i) forty-five days after the termination of an appeal from this proceeding or (ii) forty-five days after the period for filing a notice of appeal has expired if no notice of appeal is filed; and

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FURTHER ORDERED that Petitioner may file another motion to expunge within twenty days after (i) the time period for filing a notice of appeal has expired if no notice of appeal is filed or (ii) the termination of any appeal in this proceeding if a notice of appeal is filed.

FOR PETITIONER:

David W. O'Brien
Raghav Bajaj
Roshan Mansinghani
David L. McCombs
HAYNES AND BOONE, LLP
david.obrien.ipr@haynesboone.com
raghav.bajaj.ipr@haynesboone.com
roshan@unifiedpatents.com
david.mccombs.ipr@haynesboone.com

Jonathan Stroud
Jonathan Bowser
UNIFIED PATENTS INC.
jonathan@unifiedpatents.com
jbowser@unifiedpatents.com

FOR PATENT OWNER:

Terry L. Watt
CROWE & DUNLEVY
terry.watt@crowedunlevy.com

Matthew J. Antonelli
Michael E. Ellis
Larry D. Thompson, Jr.
Zachariah Harrington
ANTONELLI, HARRINGTON & THOMPSON LLP
matt@ahtlawfirm.com
michael@ahtlawfirm.com

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larry@ahlawfirm.com
zac@ahtlawfirm.com