

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC., SAMSUNG ELECTRONICS CO., LTD., and
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner,¹

v.

FIRSTFACE CO., LTD.,
Patent Owner.

IPR2019-00612 (Patent 8,831,557 B2)
IPR2019-00613 and IPR2019-01011 (Patent 9,633,373 B2)
IPR2019-00614 and IPR2019-01012 (Patent 9,779,419 B2)²

Before MELISSA A. HAAPALA, *Vice Chief Administrative Patent Judge*,
and JUSTIN T. ARBES and RUSSELL E. CASS, *Administrative Patent
Judges*.

ARBES, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motions to Expunge
37 C.F.R. § 42.56

¹ Apple Inc., Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc. are the petitioners in Case IPR2019-00612. Apple Inc. is the petitioner in Cases IPR2019-00613, IPR2016-00614, IPR2019-01011, and IPR2019-01012. We refer herein to the petitioner in each respective proceeding as "Petitioner."

² Case IPR2019-01011 was consolidated with Case IPR2019-00613 and Case IPR2019-01012 was consolidated with Case IPR2019-00614. This Order addresses issues pertaining to all of the listed cases. Therefore, we exercise our discretion to issue a single Order to be filed in each case. The parties are not authorized to use this style heading.

IPR2019-00612 (Patent 8,831,557 B2)
IPR2019-00613 and IPR2019-01011 (Patent 9,633,373 B2)
IPR2019-00614 and IPR2019-01012 (Patent 9,779,419 B2)

In each of the instant proceedings, we granted Petitioner’s motion to seal certain exhibits and entered Petitioner’s proposed protective order, and did not refer to any sealed material in the Final Written Decision. *See* IPR2019-00612, Papers 10, 26; IPR2019-00613, Papers 9, 27; IPR2019-00614, Papers 9, 27; IPR2019-01011, Papers 8, 10; IPR2019-01012, Papers 8, 10. The U.S. Court of Appeals for the Federal Circuit subsequently affirmed the Final Written Decisions and issued the mandate in each appeal. *See Firstface Co., Ltd. v. Apple Inc.*, 859 F. App’x 579 (Fed. Cir. 2021); *Apple Inc. v. Firstface Co., Ltd.*, Nos. 2021-1001, 2021-1002, 2021 WL 4156323 (Fed. Cir. Sept. 13, 2021).

Petitioner filed a motion to expunge the sealed material. *See* IPR2019-00612, Paper 29 (“Mot.”); IPR2019-00613, Paper 30 (also referring in the case caption to consolidated Case IPR2019-01011); IPR2019-00614, Paper 30 (also referring in the case caption to consolidated Case IPR2019-01012). Petitioner states that Patent Owner does not oppose the motions. Mot. 4.

“[A]fter final judgment in a trial, a party may file a motion to expunge confidential information from the record.” 37 C.F.R. § 42.56. “The rule balances the needs of the parties to submit confidential information with the public interest in maintaining a complete and understandable file history for public notice purposes” and “encourages parties to redact sensitive information, where possible, rather than seeking to seal entire documents.” Patent Trial and Appeal Board Consolidated Trial Practice Guide (Nov. 2019), 22, *available at* <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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We are persuaded that expunging the sealed material is appropriate under the circumstances. We previously found that the redacted portions of the exhibits constituted confidential information and were narrowly tailored to only confidential information. *E.g.*, IPR2019-00612, Paper 10, 5. Further, we did not cite or rely on any redacted material in the documents in rendering our Final Written Decisions. Accordingly, the record of the proceedings and Final Written Decisions remain understandable in the absence of the redacted material.

In consideration of the foregoing, it is hereby:

ORDERED that Petitioner's motions to expunge are *granted*, and the unredacted versions of the following exhibits (filed as "Board Only") are expunged from the record of each respective proceeding:

IPR2019-00612: Exhibits 1104 and 1131;
IPR2019-00613: Exhibits 1004 and 1031;
IPR2019-00614: Exhibits 1004 and 1031;
IPR2019-01011: Exhibits 1004 and 1031; and
IPR2019-01012: Exhibits 1004 and 1031.

IPR2019-00612 (Patent 8,831,557 B2)
IPR2019-00613 and IPR2019-01011 (Patent 9,633,373 B2)
IPR2019-00614 and IPR2019-01012 (Patent 9,779,419 B2)

FOR PETITIONER:

Gabrielle E. Higgins
Scott A. McKeown
Christopher M. Bonny
Victor Cheung
ROPES & GRAY LLP
gabrielle.higgins@ropesgray.com
scott.mckeown@ropesgray.com
christopher.bonny@ropesgray.com
victor.cheung@ropesgray.com

FOR PATENT OWNER:

Thomas C. Cecil
Barry J. Bumgardner
Matthew C. Juren
NELSON BUMGARDNER ALBRITTON P.C.
tom@nelbum.com
barry@nelbum.com
matthew@nelbum.com