

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

ARBES, *Administrative Patent Judge*.

ORDER
Conduct of the Proceedings
37 C.F.R. § 42.5

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 Patent Trial and Appeal Board Consolidated Trial Practice Guide (Nov. 2019), 21–22, *available at* <https://www.uspto.gov/TrialPracticeGuideConsolidated>, provides:

Confidential information that is subject to a protective order ordinarily would become public 45 days after denial of a petition to institute a trial or 45 days after final judgment in a trial. There is an expectation that information will be made public where the existence of the information is referred to in a decision to grant or deny a request to institute a review or is identified in a final written decision following a trial. A party seeking to maintain the confidentiality of information, however, may file a motion to expunge the information from the record prior to the information becoming public. 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. The rule encourages parties to redact sensitive information, where possible, rather than seeking to seal entire documents.

The record of each of the instant proceedings will be maintained undisturbed until 14 days after the conclusion of any appeal taken from the Final Written Decision, or if no appeal is taken, the expiration of the time to file a notice of appeal. At the conclusion of any appeal proceeding, or if no appeal is taken, Petitioner may file a motion to expunge the sealed materials from the record pursuant to 37 C.F.R. § 42.56.

It is so ORDERED.

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

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