

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner,

v.

NANOCO TECHNOLOGIES LTD.,
Patent Owner.

IPR2021-00183 (Patent 7,588,828 B2)
IPR2021-00184 (Patent 7,803,423 B2)
IPR2021-00185 (Patent 7,867,557 B2)
IPR2021-00186 (Patent 8,524,365 B2)¹

Before ERICA A. FRANKLIN, GRACE KARAFFA OBERMANN, and
CHRISTOPHER M. KAISER, *Administrative Patent Judges*.

FRANKLIN, *Administrative Patent Judge*.

DECISION

Granting Joint Motions to Expunge and Replace Exhibit 2032 and to
Withdraw Motions to Seal and for a Protective Order
37 C.F.R. § 42.5

¹ This Order applies to each of the above-listed proceedings. We exercise our discretion to issue one Order to be filed in each proceeding. Unless otherwise authorized, the parties shall not use this heading style in any subsequent papers.

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In each of the above-captioned proceedings, Patent Owner filed a Motion to Seal and to Enter Default Protective Order (collectively, “Motions”). Paper 27.² In the Motions, Patent Owner requested to have portions of the Patent Owner Response and Exhibit 2030 (Declaration of Brandi Cossairt, Ph.D.) sealed, and to have Exhibits 2032 (Excerpts of the June 10, 2021 Rebuttal Expert Report of Mounqi Bawendi, Ph.D.) and 2034 (Excerpts of the June 16, 2021 Deposition Transcript of Mounqi G. Bawendi, Ph.D.) sealed in their entirety. *Id.* at 1.

In each proceeding, Petitioner filed a Response to Patent Owner’s Motion explaining that the parties have agreed that the Patent Owner’s Response and Exhibits 2030 and 2034 do not contain confidential information and therefore do not need to be sealed. Paper 30, 2–3. Additionally, Petitioner explains that the parties agreed to jointly request that the Board replace Exhibit 2032 with an agreed-upon redacted version that can be filed publicly. *Id.* at 3.

With our authorization, the parties filed, in each proceeding, a Joint Motion to Expunge and Replace Exhibit 2032 and to Withdraw Patent Owner’s Motion to Seal and to Enter Default Protective Order (collectively “Joint Motions”). Paper 31. In the Joint Motions, the parties confirm that the Patent Owner’s Response and Exhibits 2030 and 2034 do not contain confidential information and therefore do not need to be sealed.

² All citations in this Order refer to papers or the exhibit filed in IPR2021-00183. Similar papers and the same exhibit have been filed in IPR2021-00184, IPR2021-00185, and IPR2021-00186.

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Based on the parties' assertions and agreement that the Patent Owner's Response and Exhibits 2030 and 2034 do not contain confidential information, we agree that a motion to seal is not needed for those items. We note that Exhibit 2030 has been filed with a header stating "PROTECTIVE ORDER MATERIAL." As that header is inaccurate, Patent Owner shall replace Exhibit 2030 with a corrected version of the exhibit, modified only to remove that header.

In their Joint Motion, the parties assert also that good cause exists to expunge the originally filed Exhibit 2032 with a new version of that exhibit with the confidential information redacted. In particular, they assert that the confidential information is limited to a third party's trade secrets and neither Petitioner nor Patent Owner relies on that confidential information in these proceedings. *Id.* 2–3. Therefore, according to the parties, the public's interest in maintaining a complete and understandable record in these proceedings would not be harmed by replacing the originally-filed Exhibit 2032 with a redacted version. *Id.* at 3. We agree.

Accordingly, it is

ORDERED that the Joint Motions are *granted* and Patent Owner's Motion to Seal and to Enter Default Protective Order shall be withdrawn in each of the above-captioned proceedings;

FURTHER ORDERED that, in each of the above-captioned proceedings, the originally-filed Exhibit 2030 shall be expunged and replaced with a new version of the exhibit modified only to remove the "PROTECTIVE ORDER MATERIAL" header; and

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FURTHER ORDERED that, in each of the above-captioned proceedings, the originally-filed Exhibit 2032 shall be expunged and replaced with a new version of the exhibit modified only to redact confidential information.

PETITIONER:

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