

IPR2022-00031
Patent No. 10,621,228

Paper No. ____

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.
Petitioner

v.

MEMORYWEB, LLC
Patent Owner

Patent No. 10,621,228

Inter Partes Review No. IPR2022-00031

JOINT MOTION TO EXPUNGE

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.56, Patent Owner MemoryWeb, LLC (“MemoryWeb”) and Petitioner Apple, Inc. (“Apple”) (collectively, the “Parties”) jointly file this Motion to Expunge (“Motion”) certain confidential information in the record of this proceeding.

This Motion is timely filed on December 27, 2023, within 45 days of the Final Written Decision (Paper 85) which issued on November 17, 2023. *See* Patent Trial Appeal Board Consolidated Trial Practice Guide November 2019 (“CTPG”) at 21-22.

However, the Parties respectfully request that the Board defer ruling on this Motion and preserve the record in its entirety, maintaining all confidential documents filed in this proceeding under seal, until resolution of any rehearing request or appeal in this proceeding and any rehearing requests or appeals in related proceedings initiated by Unified Patents, LLC (“Unified”) (IPR2021-01413) and Samsung Electronics Co., Ltd. (“Samsung”) (IPR2022-00222) (collectively, the “Related Proceedings”), or alternatively, until the period for filing a notice of appeal expires in this proceeding or in the Related Proceedings. In other words, the confidential record should be preserved pending resolution of any rehearing requests and appeals for not only the present proceeding, but also the Related Proceedings.

II. DOCUMENTS AT ISSUE

The Parties respectfully submit that the following confidential documents be expunged from the record as they contain Patent Owner's, Petitioner's, Samsung's and Unified's confidential business information (collectively, the "Confidential Documents"):

- Paper 57 (Patent Owner's Motion to Terminate) (confidential version)
- Paper 64 (Petitioner's Opposition to Motion to Terminate) (confidential version)
- Paper 71 (Patent Owner's Reply in Support of Patent Owner's Motion to Terminate) (confidential version)
- Paper 78 (Patent Owner's Confidential Updated Exhibit List) (confidential version)
- Paper 80 (Final Written Decision) (confidential version)
- Paper 82 (Patent Owner's Updated Exhibit List) (confidential version)
- Exhibit 1095
- Exhibit 1096
- Exhibit 1097
- Exhibit 1098
- Exhibit 1099

- Exhibit 1100
- Exhibit 1117
- Exhibit 1118
- Exhibit 1119 (confidential version)
- Exhibit 2068 (confidential version)
- Exhibit 2069
- Exhibit 2070
- Exhibit 2071
- Exhibit 2072
- Exhibit 2073
- Exhibit 2074
- Exhibit 2075
- Exhibit 2077 (confidential version)
- Exhibit 2078
- Exhibit 2079
- Exhibit 2080 (confidential version)
- Exhibit 2081
- Exhibit 2083
- Exhibit 2084

- Exhibit 2085
- Exhibit 2086
- Exhibit 2088
- Exhibit 2089
- Exhibit 2090
- Exhibit 2091 (confidential version)
- Exhibit 2096 (confidential version)
- Exhibit 2114
- Exhibit 2115
- Exhibit 2116
- Exhibit 2117
- Exhibit 2125 (confidential version)

For the reasons set forth below, the Parties request that the Confidential Documents be expunged.

III. LEGAL STANDARDS

37 C.F.R. § 42.56 provides that “[a]fter denial of a petition to institute a trial or after final judgment in a trial, a party may file a motion to expunge confidential information in the record.” Similarly, the CTPG states that “[t]here is an expectation that information will be made public where the existence of the information is

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.