

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BOX, INC. and DROPBOX, INC.,
Petitioner,

v.

TOPIA TECHNOLOGY, INC.,
Patent Owner.

IPR2023-00429 (Patent 10,289,607 B2)
IPR2023-00430 (Patent 11,003,622 B2)
IPR2023-00431 (Patent 10,642,787 B1)
IPR2023-00432 (Patent 10,754,823 B2)¹

Before THOMAS L. GIANNETTI, NEIL T. POWELL,
CHARLES J. BOUDREAU, SHEILA F. McSHANE, and
JOHN R. KENNY, *Administrative Patent Judges*.²

McSHANE, *Administrative Patent Judge*.

Granting Motions to Expunge
37 C.F.R. § 42.56

¹ The combined caption is for administrative convenience only. The parties are not authorized to use this combined case caption.

² This is not an expanded panel. Three of the listed judges are on each case.

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Petitioner requests that the confidential versions of Paper 13 and Exhibits 1029 and 2018, and the entirety of Exhibit 1030, be expunged from the respective records of these proceedings. IPR2023-00429, Paper 19 (“Motion”³), 2–3; IPR2023-00430, Paper 19, 2–3; IPR2023-00431, Paper 19, 2–3; IPR2023-00432, Paper 19, 2–3. Petitioner states that Patent Owner does not oppose the motions. Motion 1. Petitioner asserts that it sought to seal portions of the documents and the exhibit because they contain confidential information. *Id.* at 2–3. Petitioner asserts that “[t]he confidential nature of the documents and minimal impact expungement would have on the public’s understanding of the file history weigh in favor of granting this motion.” *Id.* at 3. Petitioner explains the nature of the confidential information and notes that the Board did not rely on any of these documents in the decisions denying institution. *Id.* at 3–5.

“After 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 from the record.” 37 C.F.R. § 42.56. The Board’s Consolidated Trial Practice Guide (“CTPG”⁴) explains that “[t]he 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 “[t]here 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

³ Hereafter we refer to the Motion filed in IPR2023-00429 because it is substantially the same as the Motions to Expunge filed in the other cases.

⁴ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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request to institute a review or is identified in a final written decision following a trial.” CTPG at 22.

We did not rely on confidential versions of Paper 13 and Exhibits 1029 and 2018, or the entirety of Exhibit 1030, in rendering the decisions denying institution in the respective cases. Thus, we find the public’s interest in being able to access this information does not outweigh the parties’ need to protect their confidential information.

Accordingly, we grant Petitioner’s request to expunge confidential versions of Paper 13 and Exhibits 1029 and 2018, and the entirety of Exhibit 1030, in these cases.

It is

ORDERED that the Petitioner’s Motions to expunge are *granted*; and

FURTHER ORDERED that confidential versions of Paper 13 and Exhibits 1029 and 2018, and the entirety of Exhibit 1030, are *expunged* in IPR2023-00429, IPR2023-00430, IPR2023-00431, and IPR2023-00432.

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