

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FIDELITY INFORMATION SERVICES, LLC,  
Petitioner,

v.

MIRROR IMAGING, LLC,  
Patent Owner.

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Case CBM2017-00064 (Patent 6,963,866 B2)  
Case CBM2017-00065 (Patent 7,552,118 B2)  
Case CBM2017-00066 (Patent 7,836,067 B2)  
Case CBM2017-00067 (Patent 9,141,612 B2)<sup>1</sup>

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Before KARL D. EASTHOM, JUSTIN T. ARBES, and  
RAMA G. ELLURU, *Administrative Patent Judges*.

EASTHOM, *Administrative Patent Judge*.

ORDER  
37 C.F.R. § 42.5

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<sup>1</sup> This Order governs each case based on the common issues argued. The parties must seek prior authorization to employ this joint heading and filing style.

CBM2017-00064 (Patent 6,963,866 B2)  
CBM2017-00065 (Patent 7,552,118 B2)  
CBM2017-00066 (Patent 7,836,067 B2)  
CBM2017-00067 (Patent 9,141,612 B2)

By email on May 20, 2019, Petitioner requested “authorization to file motions to preserve the confidentiality of the records in CBM2017-00064, -00065, -00066, and -00067 pending any appeals of these proceedings.” In the email, Petitioner also requested leave to file motions “to expunge [confidential information] after the period for appeal has expired or the conclusion of any appeals taken, whichever is later.”

The email explains that according to the Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,761 (Aug. 14, 2012), the Board typically changes the status of sealed confidential documents to public 45 days after the final written decision absent a motion to expunge the information before that time period expires, yet the time for filing a notice of appeal extends to 63 days after the final written decision. The email also states Patent Owner “does not object to filing of a motion or maintaining the confidentiality of the records pending appeal.”

Under these circumstances, Petitioner need not file a motion to preserve the confidentiality of the sealed documents. The Board will preserve the record, keeping the confidential documents sealed until 30 days after the later of 1) the expiration of the time for filing a notice of appeal, or 2) any appeal decision, during which time Petitioner may file a motion to expunge the confidential documents.

So ORDERED.

CBM2017-00064 (Patent 6,963,866 B2)  
CBM2017-00065 (Patent 7,552,118 B2)  
CBM2017-00066 (Patent 7,836,067 B2)  
CBM2017-00067 (Patent 9,141,612 B2)

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