Paper No. ____ Date Filed: April 28, 2015

Filed On Behalf Of:

Novartis AG and LTS Lohmann Therapie-Systeme AG

By:

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UNITED S'	TATES PATENT A	ND TRADEMARI	K OFFICE
BEFORE	THE PATENT TRL	AL AND APPEAL	BOARD

NOVEN PHARMACEUTICALS, INC. AND MYLAN PHARMACEUTICALS INC., Petitioners

v.

NOVARTIS AG AND LTS LOHMANN THERAPIE-SYSTEME AG, Patent Owners

Inter Partes Review No.: 2014-00549¹ U.S. Patent No. 6,316,023

PATENT OWNERS' UNOPPOSED MOTION TO SEAL PORTIONS OF PATENT OWNERS' MOTION FOR OBSERVATIONS ON CROSS-EXAMINATION OF AGIS KYDONIEUS, Ph.D. AND EXHIBIT 1049



¹ Case IPR2015-00265 has been joined with this proceeding.

Pursuant to the Office Patent Trial Practice Guide (Federal Register, Vol. 77, No. 157, Aug. 14, 2012), 37 C.F.R. § 42.14 and the Stipulated Protective Order (Ex. 2056), Patent Owners, Novartis AG and LTS Lohmann Therapie-Systeme AG, respectfully submit this motion to seal limited portions of the Deposition Transcript of Agis Kydonieus, Ph.D. (Exhibit 1049) and corresponding limited portions of Patent Owners' Motion for Observations on Cross-Examination of Agis Kydonieus, Ph.D. ("Patent Owners' Motion for Observations"), which reflect Patent Owners' confidential information. The redacted portions of Exhibit 1049 and Patent Owners' Motion for Observations reflect Patent Owners' confidential information in Exhibits 1033, 1034, 1035, and 1036 that were previously filed under seal.

On April 28, 2015, Patent Owners requested Petitioners' consent to file this motion to seal portions of Exhibit 1049 and Patent Owners' Motion for Observations in view of the fact that the proposed redacted portions of these papers reflect Patent Owners' confidential information. Petitioners do not oppose Patent Owners' motion.

I. Discussion

The Patent Trial Practice Guide provides that "[t]he rules aim to strike a balance between the public's interest in maintaining a complete and



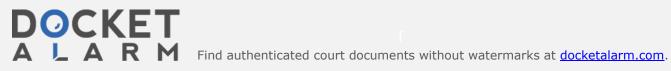
understandable file history and the parties' interest in protecting truly sensitive information." 77 FED. REG. 48756, 48760 (Aug. 14, 2012). "The rules identify confidential information in a manner consistent with Federal Rule of Civil Procedure 26(c)(1)(G), which provides for protective orders for trade secret or other confidential research, development, or commercial information." *Id*.

Patent Owners previously identified Exhibits 1033, 1034, 1035, and 1036 as containing sensitive confidential research and development information, including Patent Owners' proprietary, internal test methods and test data for rivastigmine transdermal formulations and explained that such information has not previously been published or made public. (Paper 29 at 3-5.) As summarized below, certain portions of Exhibit 1049 likewise contain Patent Owners' sensitive confidential information based on Exhibits 1033 and 1035, as well as other Patent Owner documents not publicly available that Patent Owners maintain an interest in protecting:

Portion of Exhibit 1049	Summary of Testimony	Good Cause for Filing Under Seal
183:21-184:6, 184:13-15,	Testimony reflecting the	The testimony reflects the
184:19-21, 184:23-24,	contents of Exhibit 1033,	contents of Exhibit 1033,
185:2, 185:4-5, 185:7-14,	an internal Novartis	which contains sensitive
185:19-22, 186:22-25,	memorandum written by	business and technical
187:5-12	Dr. Tiemessen, previously	research and development



	filed under seal.	information and has been
		marked "Confidential" in
		the concurrent district
		court litigation and filed
		as "Protective Order
		Material" under seal in
		the above-captioned case.
187:16-22, 191:10-14	Testimony reflecting the	The testimony reflects the
	contents of Patent	contents of Patent
	Owners' internal	Owners' internal
	documents.	documents, which contain
		sensitive research and
		development information
		and have been marked
		"Confidential" in the
		concurrent district court
		litigation and are not
		publicly available.
197:5, 198:6-9, 199:2-8,	Testimony reflecting the	The testimony reflects the
199:13-16	contents of Exhibit 1035,	contents of Exhibit 1035,



meeting minutes of the	which contains sensitive
LTS-Sandoz (Novartis)	business and technical
working group.	research and development
	information, including
	test methods and data, and
	has been marked
	"Confidential" in the
	concurrent district court
	litigation and filed under
	seal as "Protective Order
	Material" in the above-
	captioned case.

In addition, Patent Owners move to seal the portions of Patent Owners' Motion for Observations containing substantive reference to the above testimony. Consistent with this motion, Petitioners have confirmed that they will file a sealed version of Exhibit 1049 as well as a public version redacting the portions of the testimony listed above. Patent Owners likewise will file a sealed version of Patent Owners' Motion for Observations as well as a public version redacting substantive reference to the above testimony.



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