

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL 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 IPR2014-00549¹

U.S. Patent No. 6,316,023

**PETITIONERS' MOTION TO SEAL PORTIONS OF PETITIONERS'
RESPONSE TO PATENT OWNERS' MOTION FOR OBSERVATIONS ON
CROSS-EXAMINATION OF DR. AGIS KYDONIEUS**

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), Petitioner Noven Pharmaceuticals, Inc. (“Noven”), respectfully submits this motion to seal limited portions of Petitioners’ Response to Patent Owners’ Motion for Observations on Cross-Examination of Dr. Agis Kydonieus (“Petitioners’ Response”), which reflect Patent Owners’ confidential information. The redacted portions of Petitioners’ Response reflect Patent Owners’ confidential information in Exhibits 1033, 1034, 1035, and 1036 that were previously filed under seal.

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, and explained that such information has not previously been published or made public. (Paper 29 at 3-5.)

Therefore for the reasons set forth in Patent Owners' Paper 29, Noven moves to seal the portions of Petitioners' Response containing substantive reference to the above exhibits. Consistent with this motion, Noven will file a sealed version of Petitioners' Response as well as a public version redacting substantive reference to the above exhibits.

For the foregoing reasons good cause exists for sealing those portions of Petitioners' Response that substantively refer to the above-listed exhibits.

Dated: May 12, 2015

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify pursuant to 37 C.F.R. §42.6(e) that a copy of the foregoing Petitioners' Motion to Seal Portions of Petitioners' Response to Patent Owners' Motion for Observations on Cross-Examination of Dr. Agis Kydonieus was served electronically on May 12, 2015 to counsel for Patent Owners at the following email address: ExelonPatchIPR@fchs.com.

Dated: May 12, 2015

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