

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NOVEN PHARMACEUTICALS, INC.
and MYLAN PHARMACEUTICALS INC.,
Petitioner,

v.

NOVARTIS AG and LTS LOHMANN THERAPIE-SYSTEME AG,
Patent Owner.

Case IPR2014-00549¹ (Patent 6,316,023 B1)
Case IPR2014-00550² (Patent 6,335,031 B1)

Before FRANCISCO C. PRATS, ERICA A. FRANKLIN, and
CHRISTOPHER G. PAULRAJ, *Administrative Patent Judges*.

FRANKLIN, *Administrative Patent Judge*.

DECISION

Granting Petitioner's Motions to Seal Portions of Petitioner's Response to
Patent Owner's Motion for Observations on Cross-Examination of
Dr. Agis Kydonieus.
37 C.F.R. § 42.54

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

² Case IPR2015-00268 has been joined with this proceeding.

IPR2015-00549 (Patent 6,316,023 B1)

IPR2015-00550 (Patent 6,335,031 B1)

INTRODUCTION

In each of the proceedings, Petitioner filed a Motion to Seal Portions of Petitioner's Response to Patent Owner's Motion for Observations on Cross-Examination of Dr. Agis Kydonieus. Paper 51 ("Motion"). For the reasons stated below, the Motions are granted.

DISCUSSION

Petitioner must show good cause for the relief requested, including why the information is appropriate to be filed under seal. 37 C.F.R. § 42.54. The Office Patent Trial Practice Guide notes that 37 C.F.R. § 42.54 identifies 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. 77 Fed. Reg. at 48,760.

In the Motion, Petitioner asserts that portions of Petitioner's Response to Patent Owner's Motion for Observations on Cross-Examination of Dr. Agis Kydonieus (Papers 54, 54 "Petitioner's Response") address Patent Owner's confidential information contained in Exhibits 1033–1036. Motion 1.³ Exhibits 1033–1036 contain sensitive confidential research and development information, including Patent Owner's proprietary, internal test methods and test data for rivastigmine transdermal formulations, and were previously filed under seal. Patent Owner does not oppose the Motion.

Upon considering the portions of Petitioner's Response that Petitioner proposes to seal, we determine that Petitioner has shown good cause for the relief requested.

³ Exhibits 1033–1036 are the same in both IPR2014-00549 and IPR2014-00550.

IPR2015-00549 (Patent 6,316,023 B1)
IPR2015-00550 (Patent 6,335,031 B1)

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Petitioner's Motions to Seal Portions of Petitioner's Response to Patent Owner's Motion for Observations on Cross-Examination of Dr. Agis Kydonieus are *granted*.

PETITIONER:

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