

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC. and
AMNEAL PHARMACEUTICALS LLC,
Petitioners,

v.

YEDA RESEARCH AND DEVELOPMENT CO. LTD.,
Patent Owner.

Case IPR2015-00643 (Patent 8,232,250 B2)
Case IPR2015-00644 (Patent 8,399,413 B2)
Case IPR2015-00830 (Patent 8,969,302 B2)¹

Before SHERIDAN K. SNEDDEN, ZHENYU YANG, and
TINA E. HULSE, *Administrative Patent Judges*.

YANG, *Administrative Patent Judge*.

DECISION
Patent Owner's Motion to Seal
37 C.F.R. §§ 42.14

¹ Cases IPR2015-01976, IPR2015-01980, and IPR2015-01981 have been joined with IPR2015-00643, IPR2015-00644, and IPR2015-00830, respectively.

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Patent Owner filed a Motion to Seal portions of Exhibits 2108–2114 and 2120–2122. Paper 25, 1.² In addition, Patent Owner seeks to seal portions of the Declaration of Henry Grabowski, Ph.D., Exhibit 2133 (“Grabowski Declaration”). *Id.* Patent Owner represents that Petitioner does not oppose the Motion. *Id.* at 3. Patent Owner’s Motion is granted.

According to Patent Owner, Exhibits 2108–2114 and 2120–2122 include proprietary data provided by IMS Health, a third party, concerning sales, prescriptions, and promotional spending concerning Copaxone® 40 mg/mL. *Id.* at 2. Further, the Grabowski Declaration includes the IMS data and related calculations in Exhibits 2108–2114 and 2120–2122. *Id.*

Patent Owner explains that it obtained access to the IMS data pursuant to a license agreement that obligates Patent Owner to maintain the data as confidential. *Id.* According to Patent Owner, “IMS Health represents that IMS data retains its value to IMS only when access to the data is restricted. IMS also represents that it owes contractual duties of confidentiality to its sources.” *Id.* Moreover, Patent Owner asserts that “interested members of the public can obtain the data in question directly from IMS Health (with any appropriate fee).” *Id.* at 3. Thus, Patent Owner contends, good cause exists for sealing the IMS data contained in the exhibits. *Id.*

² For ease of reference, paper numbers and exhibits cited in this Decision refer to those filed in IPR2015-00643. Similar papers and exhibits were filed in the other proceedings.

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Patent Owner has filed non-confidential, redacted versions of Exhibits 2108–2114, 2120–2122, and the Grabowski Declaration. *Id.* at 2. Patent Owner represents that “[t]he substance of Dr. Grabowski’s opinions can be fully ascertained from the redacted declaration and exhibits; the only information not reflected in the redacted declaration and exhibits is IMS data and Dr. Grabowski’s specific calculations based on that data.”

Upon considering the content of Exhibits 2108–2114, 2120–2122, and the Grabowski Declaration, along with Patent Owner’s representations as to the confidentiality of the information, we determine that Patent Owner has shown good cause for sealing the redacted portions of Exhibits 2108–2114, 2120–2122, and the Grabowski Declaration.

Accordingly, it is

ORDERED that Patent Owner’s Motion to Seal is GRANTED.

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