

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 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 Exhibit 2148, the transcript of the deposition of Henry G. Grabowski dated February 10, 2016 (“Grabowski Transcript”). Paper 54, 1.² Patent Owner represents that Petitioners do not oppose the Motion. *Id.* Patent Owner’s Motion is granted.

According to Patent Owner, portions of the Grabowski Transcript refer to proprietary data provided by IMS Health, a third party, concerning sales, prescriptions, and promotional spending concerning Copaxone® 40 mg/mL and its competitors. *Id.* at 2. 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.*

Patent Owner has filed a non-confidential, redacted version of the Grabowski Transcript. *Id.* at 2. Patent Owner represents that “[t]he substance of Dr. Grabowski’s testimony can be fully ascertained from this minimally-redacted transcript; the only information not reflected in the redacted version of the exhibit is IMS data and Dr. Grabowski’s specific calculations based on that data.” *Id.* at 2–3.

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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Upon considering the content of the Grabowski Transcript, 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 the Grabowski Transcript.

Accordingly, it is

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

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