

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INNOPHARMA LICENSING, INC., INNOPHARMA LICENSING LLC,
INNOPHARMA INC., INNOPHARMA LLC,
MYLAN PHARMACEUTICALS INC., MYLAN INC., LUPIN LTD. and LUPIN
PHARMACEUTICALS INC.
Petitioner,

v.

SENJU PHARMACEUTICAL CO., LTD., BAUSCH & LOMB, INC., and
BAUSCH & LOMB PHARMA HOLDINGS CORP.
Patent Owner.

Case IPR2015-00902 (Patent 8,669,290 B2)
Case IPR2015-00903 (Patent 8,129,431 B2)¹

Filed: April 6, 2016

PETITIONER'S MOTION TO SEAL

¹ A word-for-word identical paper has been filed in each proceeding identified in the heading. IPR2015-01871 has been joined with IPR2015-00903 and includes Petitioners Lupin Ltd. and Lupin Pharmaceuticals Inc. in addition to the parties identified above.

Pursuant to 37 C.F.R. §§ 42.14 and 42.55 and Proposed Stipulated Protective Order (Paper 36 in IPR2015-00902; Paper 38 in IPR2015-00903) (“Proposed Stipulated Protective Order”), Petitioner hereby moves to seal Petitioner’s Response to Patent Owner’s Motion for Observation Regarding Cross-Examination of Reply Witnesses Dr. Paul A. Laskar, Ph.D. and Ivan T. Hofmann, CPA/CFF, CLP, filed concurrently herewith in IPR2015-00902 and IPR2015-00903.

Petitioner’s Response to Patent Owner’s Motion for Observation contain or refer to information contained in the cross-examination transcripts of Dr. Laskar (EX2272) and Mr. Hofmann (EX2273), which have been designated as testimony subject to Fed. R. Evid. 615 under the Proposed Stipulated Protective Order by the Patent Owner, and also with respect to EX2273 has been designated as Protective Order Material under the Proposed Stipulated Protective Order by the Patent Owner.

The record of an *inter partes* review proceeding, including documents and things, is made available to the public, except as otherwise ordered. 37 C.F.R. § 42.14. Despite the default rule of public availability, the Board will seal confidential information for “good cause,” because it is necessary 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." 37 C.F.R. § 42.54(a); 77 Fed. Reg. 48756, 48760 (Aug. 14, 2012).

It is Petitioner's understanding that information in the following documents has been designated as Protective Order Material or Fed. R. Evid. 615 Material by Patent Owner pursuant to the Proposed Stipulated Protective Order: EX2272 (Transcript of the Testimony of Paul Laskar dated March 25, 2016) and EX2273 (Transcript of the Testimony of Ivan T. Hofmann dated March 25, 2016).

Petitioner has no independent basis for the aforementioned documents to be sealed and thus makes no assertion as to whether or not they contain confidential information.

RESPECTFULLY SUBMITTED,

ALSTON & BIRD LLP

Date: April 6, 2016

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CERTIFICATION OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e), 42.8(b)(4) and 42.105, the undersigned certifies that on the 6th day of April, 2016, a complete copy of the foregoing Petitioner's Motion to Seal was served on counsel of record for the Patent Owner:

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Respectfully submitted,

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