

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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INNOPHARMA LICENSING, INC., INNOPHARMA LICENSING LLC,  
INNOPHARMA INC., INNOPHARMA LLC, MYLAN PHARMACEUTICALS  
INC., MYLAN INC.,

Petitioner

v.

SENJU PHARMACEUTICAL CO., LTD.,

Patent Owner

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Case IPR2015-00902 (Patent 8,669,290 B2)

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**RENEWED MOTION TO SEAL**

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## **I. Introduction**

Through this Renewed Motion to Seal, Patent Owner requests that the following exhibits be sealed: (1) excerpts of Patent Owner's New Drug Application ("NDA") (Exs. 2096, 2102, 2103, 2110); and (2) confidential testing reports and materials documenting the proprietary testing methods of a third-party test company (Exs. 2249-2263). Patent Owner also requests that portions of its Patent Owner's Response (Paper 34), expert declarations Exs. 2082 (Williams), 2116 (Trattler), and 2130 (Jarosz), and the transcript of testimony Ex. 2273 (Hoffman) citing or substantially describing the above categories of documents be sealed. To the best of Patent Owner's knowledge, the Patent Owner certifies that the information identified as confidential in this motion has not been published or otherwise made public. Petitioner Lupin does not oppose this motion.

## **II. Procedural History**

Patent Owner has filed multiple Motions to Seal. On December 28, 2015, Patent Owner filed Motion to Seal and Motion to Enter Stipulated Protective Order (Paper 36), requesting that certain exhibits and pleadings be sealed, specifically: Exs. 2096, 2102, 2103, 2110 (related to Patent Owner's NDA), Ex. 2082 (Petitioner's ANDA); Exs. 2220 and 2226 (Patent Owner's presentations); Ex. 2114 (transcript of expert testimony); portions of Patent Owner's Response (Paper 34); and Exs. 2082, 2105, 2116, 2130 (declarations of various experts citing or

substantially describing the categories of documents sought to be sealed). On March 31, 2016, Patent Owner filed a Motion to Seal (Paper 67) requesting that transcripts of expert testimony (Ex. 2272 and 2273), Patent Owner's Motion for Observation Regarding Cross-Examination (Paper 64), be filed under seal. On April 6, 2016, Patent Owner filed a Motion to Seal (Paper 71) requesting that Exs. 2249-2263 (testing reports and materials from third-party test companies, and related supplemental expert reports citing same) be filed under seal.

On June 21, 2016, the Board denied the parties request to enter the Stipulated Protective Order (Paper 85) and denied all pending requests to seal exhibits and pleadings without prejudice (Papers 85, 89). The parties met and conferred and agreed that in light of the Board's orders and the completion of discovery, the "PROTECTIVE ORDER MATERIAL-BOARD'S EYES ONLY" and "PROTECTIVE ORDER MATERIAL-FED R. EVID 615" designations are no longer applicable to this proceeding. As a result, the parties agreed that the Default Protective Order should govern in this case. Accordingly, in this Motion, Patent Owner will not be seeking to seal portions of: Patent Owner's Response (Paper 33), Patent Owner's Motion for Observations (Paper 58); Petitioner's Reply to Patent Owner's Response to Petition (Ex. 2271); and of the declarations or testimony of Dr. Paul Laskar (Ex. 2114 and Ex. 2272), Robert O. Williams (Ex. 2082), Stephen G. Davies (Ex. 2105) or Ivan Hoffman (Ex. 2273) that were

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