

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.,
Patent Owner

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

**SECOND MOTION FOR ENTRY OF STIPULATED
PROTECTIVE ORDER**

¹ Case IPR2015-01871 has been joined with this proceeding.

Pursuant to the Final Rules of Practice for Trials Before the Patent Trial and Appeal Board and Judicial Review of Patent Trial and Appeal Board Decisions (77 Fed. Reg. 157, Aug. 14, 2012), 35 U.S.C. § 316, and 37 C.F.R. § 42.54, Petitioners Innopharma and Lupin and Patent Owner Senju jointly move for entry of a Stipulated Protective Order attached hereto as Appendix A.

Following the Board's Decision Denying Patent Owner's Motion to Seal and Denying Entry of the Amended Proposed Stipulated Protective Order of June 21, 2016 ("Decision") (Paper 85), the Parties met and conferred regarding revisions to the Stipulated Protective Order.

The revised Stipulated Protective Order is based on the Default Protective Order provided in Appendix B of the Trial Practice Guide, with modifications agreed upon by the Parties. A document comparing the Parties' Stipulated Protective Order with the Default Protective order is attached as Appendix B. The Parties modified the previously Stipulated Protective Order to be in line with the Board's Decision, and provisions of the Default Protective Order by, for example:

- (1) removing the use of the term "party" with apparently different meanings (Decision at 3) in favor of the narrowly defined term "Non-Joinder Party";
- (2) removing the category of confidential information that may be marked as "PROTECTIVE ORDER MATERIAL-FED R. EVID 615" (Decision at 3-4) because this category is no longer necessary now that discovery has been

completed; and (3) removing the discussion of the Stipulated Discovery Confidentiality Order filed in the parallel district court litigation (Decision at 4).

The revised Stipulated Protective Order now contains only one level of additional confidentiality, "PROTECTIVE ORDER MATERIAL - BOARD'S EYES ONLY." This additional level of confidentiality is necessary in order to ensure the preservation of confidentiality of Petitioner InnoPharma's Abbreviated New Drug Application ("ANDA") (Ex. 2109) and portions of the confidential versions of Patent Owner's pleadings and expert declarations citing to the confidential information contained in Ex. 2109.

For the above reasons, the Parties respectfully request the Board enter the Stipulated Protective Order attached hereto as Appendix A.

Respectfully,

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APPENDIX A

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