

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

RENEWED MOTION TO SEAL

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

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35 U.S.C. § 316 3

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Office Patent Trial Practice Guide,
77 Fed. Reg. 48756 (Aug. 14, 2012) 4, 7

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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). 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 35), requesting that certain exhibits and pleadings be sealed, specifically: Exs. 2096, 2102, 2103, 2110 (related to Patent Owner's NDA); Ex. 2086 (Petitioner's ANDA), Exs. 2220 and 2226 (Patent Owner's presentations); Ex. 2114 (transcript of expert testimony); portions of Patent Owner's Response (Paper 33); 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 61) requesting that

transcripts of expert testimony (Ex. 2272 and 2273), Patent Owner's Motion for Observation Regarding Cross-Examination (Paper 58), be filed under seal.

On June 21, 2016, the Board denied the parties request to enter the Stipulated Protective Order (Paper 77) and denied all pending requests to seal exhibits and pleadings without prejudice (Papers 77, 79). As noted in the Second Motion for Entry of Stipulated Protective Order (Paper 81) filed on July 25, 2016, the parties modified the previously Stipulated Protective Order as directed by the Board. Among other things, the parties removed the category of confidential information that may be marked as "PROTECTIVE ORDER MATERIAL-FED R. EVID 615" (Paper 77 at 3) because this category is no longer necessary now that discovery has been completed. Accordingly, in this Motion, Patent Owner will not be seeking to seal portions of Patent Owner's Response (Paper 33), Petitioner's Reply to Patent's Owner's Response to Petition (Ex. 2271), Patent Owner's Motion for Observations (Paper 58) and of the declarations or testimony of Dr. Paul Lasker (Exs. 2114 and 2272), Ivan Hoffman (Ex. 2273), Robert O. Williams (Ex. 2082), and Stephen G. Davies (Ex. 2105) that were previously marked as Confidential under FRE 615. Patent Owner will be refiling these exhibits without the "PROTECTIVE ORDER MATERIAL-FED R. EVID 615" marking.

As to the research and development presentations (Exs. 2220 and 2226), the Board noted that, in its view, the Patent Owner had "not identified what portions of

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