

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., and MYLAN INC.,
LUPIN LTD., and LUPIN PHARMACEUTICALS, INC.,
Petitioners,

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

Before FRANCISCO C. PRATS, ERICA A. FRANKLIN, and
GRACE KARAFFA OBERMANN, *Administrative Patent Judges*.

OBERMANN, *Administrative Patent Judge*.

ORDER

Granting Petitioner InnoPharma's Motions to Expunge
37 C.F.R. §§ 42.5(a); 42.56

¹ IPR2015-01871 has been joined with IPR2015-00903. This Order addresses issues common to both cases identified in the caption.

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

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

A Final Written Decision was entered in each proceeding on July 28, 2016. Papers 90, 82.² On September 21, 2016, in each proceeding, Petitioner InnoPharma filed a Motion to Expunge. Papers 104, 96. This Order addresses those Motions.

Petitioner InnoPharma seeks to expunge Exhibit 2109 and the confidential version of Exhibit 2082 filed under seal in each proceeding. Paper 104, 1; Paper 96, 1. We previously sealed Exhibit 2109 in its entirety without requiring a public, redacted version of the document. Paper 100, 2–3; Paper 92, 2–3. The record includes a redacted, public version of Exhibit 2082.

Petitioner InnoPharma states that Patent Owner does not oppose the Motions to Expunge. Paper 104, 1; Paper 96, 1. Petitioner InnoPharma also establishes that the Motions to Expunge will not remove from the public record any information cited by the Board in the Final Written Decisions. Paper 104, 4; Paper 96, 4.

Under the circumstances, we are persuaded that granting Petitioner InnoPharma’s unopposed Motions to Expunge strikes a reasonable balance between the need to maintain the confidential nature of sealed information and the public interest in maintaining a complete and understandable public file history of the patents at issue. Paper 104, 3–4; Paper 96, 3–4. Accordingly, we grant Petitioner InnoPharma’s Motions to Expunge. As previously explained, the redacted, public version of Exhibit 2082 will remain in the record. Paper 104, 4; Paper 96, 4 (indicating that neither

² We sequentially refer to papers filed in IPR2015-00902 and IPR2015-00903.

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exhibit sought to be expunged will result in removal from the record of any information cited or relied upon in a Final Written Decision).

It is

ORDERED that Petitioner InnoPharma's Motions to Expunge (Papers 104, 96) are *granted*;

FURTHER ORDERED that Exhibit 2109 and the confidential version of Exhibit 2082 shall be expunged in each proceeding.

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