

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COALITION FOR AFFORDABLE DRUGS II LLC,

Petitioner,

v.

NPS PHARMACEUTICALS, INC.

Patent Owner.

Cases IPR2015-00990 and IPR2015-01093
(Patent 7,056,886 B2)¹

PATENT OWNER'S MOTION TO SEAL

¹ Pursuant to the Board's Scheduling Order in these IPRs, "the word-for-word identical paper is filed in each proceeding identified in the heading." *See, e.g.*, IPR2015-00990, Paper 29, footnote 1.

Pursuant to 37 C.F.R. 42.54, Patent Owner NPS Pharmaceuticals Inc. (“NPS”) moves to file Exhibit 2170 in support of its Motions for Observations under seal. Petitioner Coalition for Affordable Drugs II LLC has indicated that it does not oppose to the instant motion.

Ex. 2170 references and discusses subject matter contained in Ex. 2075, which has been deemed “Protective Order Material – Attorney Eyes Only” subject to the Protective Order agreed to by the parties and attached hereto as Exhibit A. Accordingly, Patent Owner submits that good cause exist to seal Ex. 2170 for the same reasons discussed in Patent Owner’s motions to seal Ex. 2075. *See* IPR2015-00990, Paper 34; IPR2015-01093, Paper 32. Patent Owner hereby files both a public version of Ex. 2170 that redacts the information subject to the Protective Order and a nonpublic unredacted version of Ex. 2170 for “Parties and Board Only.”

The parties met and conferred and agreed that the Protective Order in Appendix A shall govern materials submitted by the parties in connection with the instant motion, to the extent such materials contain confidential material.

Respectfully submitted,

Dated: May 18, 2016

/Joseph R. Robinson/
Joseph R. Robinson, PTO Reg. No. 33,448
Heather M. Ettinger, PTO Reg. No. 51,658
Dustin B. Weeks, PTO Reg. No. 67,466
Attorneys for Patent Owner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing PATENT OWNER'S MOTION TO SEAL has been on attorney for Petitioner, served via electronic mail on May 18, 2016, to the following addresses provided by

Petitioner:

Jeffrey D. Blake, Esq.
jblake@merchantgould.com

Respectfully submitted,

Dated: May 18, 2016

/Dustin B. Weeks/
Dustin B. Weeks, PTO Reg. No. 67,466

UNITED STATES PATENT AND TRADEMARK OFFICE

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COALITION FOR AFFORDABLE DRUGS II LLC
Petitioner

v.

NPS PHARMACEUTICALS, INC.
Patent Owner

Case IPR2015-00990
Patent 7,056,886

PROTECTIVE ORDER

NPS Ex. 2050
CFAD v. NPS
IPR2015-00990

The following protective order will be entered into the instituted Inter Partes Review, Coalition for Affordable Drugs II LLC v. NPS Pharmaceuticals, Inc., Case No. IPR2015-00990, and governs the treatment and filing of confidential information, including documents and testimony.

1. Confidential information shall be clearly marked “PROTECTIVE ORDER MATERIAL.”
2. Access to confidential information marked “PROTECTIVE ORDER MATERIAL” is limited to the following individuals who have executed the acknowledgment appended to this order:

(A) *Parties*. Persons who are owners of a patent involved in the proceeding and other persons who are named parties to the proceeding.

(B) *Party Representatives*. Representatives of record for a party in the proceeding.

(C) *Experts*. Retained experts of a party in the proceeding who further certify in the Acknowledgement that they are not a competitor to any party, or a consultant for, or employed by, such a competitor with respect to the subject matter of the proceeding.

(D) *In-house counsel*. In-house counsel of a party.

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