

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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LUPIN LTD. and LUPIN PHARMACEUTICALS INC., INNOPHARMA  
LICENSING, INC., INNOPHARMA LICENSING LLC, INNOPHARMA  
INC., INNOPHARMA LLC, MYLAN PHARMACEUTICALS INC., and  
MYLAN INC.,  
Petitioner

v.

SENJU PHARMACEUTICAL CO., LTD.,  
Patent Owner

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Case IPR2015-01097 (Patent 8,754,131 B2)<sup>1</sup>

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**PATENT OWNER'S MOTION TO SEAL AND MOTION TO ENTER  
STIPULATED PROTECTIVE ORDER**

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<sup>1</sup> Case IPR 2016-00089 has been joined with this proceeding.

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**I. Introduction**

Through this Motion to Seal and Motion to Enter Stipulated Protective Order, Patent Owner requests that four categories of exhibits be sealed: (1) excerpts of Patent Owner's New Drug Application ("NDA") (Exs. 2096, 2102, 2103, 2110, 2251, 2291-2293); (2) three confidential presentations related to Patent Owner's research and development of the patented formulation (Exs. 2220, 2226, and 2296) and testimony related to the market share of Patent Owner's product in a related district court case (Ex. 2258); (3) confidential testing reports and materials documenting the proprietary testing methods of third-party test companies (Exs. 2267-2278, 2286, 2294); and (4) the transcript of testimony of InnoPharma Licensing's expert, Dr. Paul Laskar in the related IPR2015-00902 and -00903 (Ex. 2114) and the transcript of testimony of Lupin's expert, Dr. Jayne Lawrence (Ex. 2316). In addition, Patent Owner also requests that portions of the confidential versions of its Patent Owner's Response (Paper 23 (BOARD'S EYES ONLY version, containing no redactions) and Paper 24 (FED. R. EVID. 615 version, redacting BOARD'S EYES ONLY material, to be made public once FED. R. EVID. 615 has been lifted, as explained herein)), and portions of confidential versions of Patent Owner's expert declarations (Exs. 2126 (Myers), 2128 (Paulson), 2082 (Williams), 2105 (Davies), 2116 (Trattler), and 2130 (Jarosz)) citing or substantially describing the above categories of documents be sealed. Finally,

under 37 C.F.R. § 42.54, Patent Owner further requests entry of the Proposed Stipulated Protective Order, submitted concurrently herewith. 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. Governing Rules and PTAB Guidance

Under 35 U.S.C. § 316(a)(1), the default rule is that all papers filed in an *inter partes* review are open and available for access by the public but a party may file a concurrent motion to seal and the information at issue is sealed pending the outcome of the motion.

Similarly, 37 C.F.R. § 42.14 provides:

The record of a proceeding, including documents and things, shall be made available to the public, except as otherwise ordered. A party intending a document or thing to be sealed shall file a motion to seal concurrent with the filing of the document or thing to be sealed. The document or thing shall be provisionally sealed on receipt of the motion and remain so pending the outcome of the decision on the motion.

It is, however, only “confidential information” that is protected from disclosure. 35 U.S.C. § 316(a)(7)(“The Director shall prescribe regulations -- . . . providing for protective orders governing the exchange and submission of confidential

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