

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.,

Petitioner,

v.

SENJU PHARMACEUTICAL CO., LTD.,

Patent Owner.

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Case IPR2015-01099

Patent 8,669,290 B2

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

FRANKLIN, *Administrative Patent Judge*.

DECISION

*Granting Patent Owner's Renewed Motion to Expunge Exhibit 1181*  
*37 C.F.R. § 42.56*

Previously, we denied Patent Owner’s Motion to Expunge, Paper 78, with respect to sealed Exhibit 1181, in consideration of Petitioner’s opposition to that motion. Paper 82. Exhibit 1181 is a transcript of the cross-examination of expert witness Mr. Ivan T. Hofmann that was filed subject to a protective order. Paper 72. In denying Patent Owner’s Motion to Expunge Exhibit 1181, we ordered the sealed status of the exhibit to be preserved pending appeal.<sup>1</sup> Paper 82. Additionally, we authorized Patent Owner to renew its request to expunge Exhibit 1181 if no appeal is taken, or if an appeal is taken, after the final disposition of such appeal. *Id.*

Accordingly, Patent Owner files its Renewed Motion to Expunge Exhibit 1181 (“Renewed Motion”) affirming that Petitioner does not oppose the Renewed Motion and explaining that no appeal will be taken, as the parties have settled the cases. Paper 83, 2–3. Further, Patent Owner confirms that Exhibit 1181 was not referred to in the Board’s Final Decision. *Id.* Thus, expunging Exhibit 1181 to preserve the sensitive and confidential material contained therein will not deny the public from having access to all the materials relevant to the merits of this proceeding.

Based upon our consideration of those facts, we are satisfied that good cause exists to expunge sealed Exhibit 1181.

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<sup>1</sup> A Final Written Decision was entered by the Board in each of the captioned proceedings on September 12, 2016. Paper 71. Documents filed subject to a protective order would normally be made public 45 days from that date. 77 Fed. Reg. No. 157, Part V at Section I.E.6. (Aug. 14, 2012)

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Accordingly, it is  
ORDERED that Patent Owner's Renewed Motion to Expunge  
Exhibit 1181 is *granted*.

PETITIONER:

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