

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

Case IPR2015-01097 (Patent 8,754,131 B2)¹
Case IPR2015-01100 (Patent 8,927,606 B1)²
Case IPR2015-01105 (Patent 8,871,813 B2)^{3, 4}

AMENDED PROPOSED STIPULATED PROTECTIVE ORDER

¹ Case IPR2016-00089 has been joined with this proceeding.

² Case IPR2016-00091 has been joined with this proceeding.

³ Case IPR2016-00090 has been joined with this proceeding.

⁴ A word-for-word identical paper has been filed in each proceeding identified in the heading.

This joint protective order governs the treatment and filing of confidential information, including documents and testimony.⁵

1. **Marking of Confidential Information.** Confidential information shall be clearly marked as either “PROTECTIVE ORDER MATERIAL - BOARD’S EYES ONLY” or “PROTECTIVE ORDER MATERIAL - FED R. EVID 615” or “PROTECTIVE ORDER MATERIAL”.

2. **Persons Having Access to Confidential Information Marked “PROTECTIVE ORDER MATERIAL - BOARD’S EYES ONLY”.** For the confidential information marked “PROTECTIVE ORDER MATERIAL - BOARD’S EYES ONLY”, access to confidential information is limited to the Employees and representatives of the Office who have a need for access to the confidential information. Such employees and representatives shall have such access without the requirement to sign an Acknowledgement. Such employees and representatives shall include the Director, members of the Board and their clerical staff, other support personnel, court reporters, and other persons acting on behalf of the Office.

⁵ Nothing in this Order prevents any Party from challenging a confidentiality designation to any Exhibit by raising the matter with the Board.

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3. **Persons Having Access to Confidential Information Marked**

“PROTECTIVE ORDER MATERIAL - FED R. EVID 615”. For the confidential information marked, “PROTECTIVE ORDER MATERIAL - FED R. EVID 615”, access to confidential information about one expert’s deposition testimony is limited to the following individuals who have executed the Acknowledgment appended to this order and shall not be disclosed to any other expert in any Related Proceeding⁶ (unless the information is already known to that expert) until after such time as the Board has lifted the Rule on Witnesses under Fed. R. Evid. 615, and then only upon the formal request of any Party to the Board,

⁶ Related Proceeding is defined as “any other IPR proceeding or district court proceeding involving the patent at issue, the patent owners, and any one of Petitioners InnoPharma Licensing, Inc., InnoPharma Licensing LLC, InnoPharma Inc., InnoPharma LLC, Mylan Pharmaceuticals Inc., Mylan Inc., Lupin, Ltd., or Lupin Pharmaceuticals, Inc.”).

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or upon a joint request by the Parties to the Board's administrative staff to do so without raising the matter with the Board:⁷

- (A) Parties. Persons who are owners of a patent involved in the proceeding and other persons who are identified as a real party-in-interest in any Related Proceeding.
- (B) Outside Counsel. Outside counsel of record for a party in any Related Proceeding.
- (C) In-house counsel. In-house counsel of a party or in-house counsel of a real party-in-interest.
- (D) Other Employees of a Party. Employees, other than in-house counsel and in-house counsel's support staff, who sign the Acknowledgement shall be extended access to confidential information only upon agreement of the parties or by order of the Board upon a motion brought by the party seeking to disclose confidential information to that person. The party opposing

⁷ Upon termination of the "PROTECTIVE ORDER MATERIAL - FED R. EVID 615" designation, any party may, in good faith, request that the Information be re-designated to "PROTECTIVE ORDER MATERIAL."

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disclosure to that person shall have the burden of proving that such person should be restricted from access to confidential information.

(E) The Office. Employees and representatives of the Office who have a need for access to the confidential information shall have such access without the requirement to sign an Acknowledgement. Such employees and representatives shall include the Director, members of the Board and their clerical staff, other support personnel, court reporters, and other persons acting on behalf of the Office.

(F) Support Personnel. Administrative assistants, clerical staff, court reporters and other support personnel of the foregoing persons who are reasonably necessary to assist those persons in the proceeding shall not be required to sign an Acknowledgement, but shall be informed of the terms and requirements of the Protective Order by the person they are supporting who receives confidential information.

4. **Persons Having Access to Confidential Information Marked**

“PROTECTIVE ORDER MATERIAL”. For the confidential information marked, “PROTECTIVE ORDER MATERIAL”, access to confidential information is limited to the following individuals who have executed the Acknowledgment appended to this order:

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

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With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

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Litigation and bankruptcy checks for companies and debtors.

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