

**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>

Case IPR2015-01100 (Patent 8,927,606 B1)<sup>2</sup>

Case IPR2015-01105 (Patent 8,871,813 B2)<sup>3, 4</sup>

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**SECOND MOTION FOR ENTRY OF STIPULATED  
PROTECTIVE ORDER**

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<sup>1</sup> Case IPR2016-00089 has been joined with this proceeding.

<sup>2</sup> Case IPR2016-00091 has been joined with this proceeding.

<sup>3</sup> Case IPR2016-00090 has been joined with this proceeding.

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

IPR2015-01097 (Patent 8,754,131 B2)  
IPR2015-01100 (Patent 8,927,606 B1)  
IPR2015-01105 (Patent 8,871,813 B2)

Pursuant to the Final Rules of Practice for Trials Before the Patent Trial and Appeal Board and Judicial Review of Patent Trial and Appeal Board Decisions (77 Fed. Reg. 157, Aug. 14, 2012), 35 U.S.C. § 316, and 37 C.F.R. § 42.54, Petitioners Lupin and Innopharma and Patent Owner Senju jointly move for entry of a Stipulated Protective Order attached hereto as Appendix A.

Following the Board's Decision Denying Patent Owner's Motion to Seal and Denying Entry of the Amended Proposed Stipulated Protective Order of June 21, 2016 ("Decision") (Paper 58), the Parties met and conferred regarding revisions to the Stipulated Protective Order.

The revised Stipulated Protective Order is based on the Default Protective Order provided in Appendix B of the Trial Practice Guide, with modifications agreed upon by the Parties. A document comparing the Parties' Stipulated Protective Order with the Default Protective order is attached as Exhibit B. The Parties modified the previously Stipulated Protective Order to be in line with the Board's Decision, and provisions of the Default Protective Order by, for example:

- (1) removing the use of the term "party" with apparently different meanings (Decision at 3) in favor of the narrowly defined term "Non-Joinder Party";
- (2) removing the category of confidential information that may be marked as "PROTECTIVE ORDER MATERIAL-FED R. EVID 615" (Decision at 4)

IPR2015-01097 (Patent 8,754,131 B2)  
IPR2015-01100 (Patent 8,927,606 B1)  
IPR2015-01105 (Patent 8,871,813 B2)

because this category is no longer necessary now that discovery has been completed; and (3) removing the discussion of the Stipulated Discovery Confidentiality Order filed in the parallel district court litigation (Decision at 5).

The revised Stipulated Protective Order now contains only one level of additional confidentiality, “PROTECTIVE ORDER MATERIAL - BOARD’S EYES ONLY.” This additional level of confidentiality is necessary in order to ensure the preservation of confidentiality of Petitioner Lupin’s Abbreviated New Drug Application (“ANDA”) (Ex. 2109) and portions of the confidential versions of Patent Owner’s pleadings and expert declarations citing to the confidential information contained in Ex. 2109. In the Decision Denying Petitioner Lupin’s and Patent Owner’s Joint Motion to Seal Exhibits 2082, 2109, and Patent Owner’s Response of June 21, 2016 (Paper 60 at 3-4), the Board found that the parties had “established that [Exhibit 2109, among others] represent or contain confidential information[,]” but declined to seal the documents because an adequate protective order had not been entered.

For the above reasons, the Parties respectfully request the Board enter the Stipulated Protective Order attached hereto as Appendix A.

Respectfully,

IPR2015-01097 (Patent 8,754,131 B2)  
IPR2015-01100 (Patent 8,927,606 B1)  
IPR2015-01105 (Patent 8,871,813 B2)

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IPR2015-01097 (Patent 8,754,131 B2)  
IPR2015-01100 (Patent 8,927,606 B1)  
IPR2015-01105 (Patent 8,871,813 B2)

## **APPENDIX A**

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