

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COALITION FOR AFFORDABLE DRUGS VI LLC
Petitioner,

v.

CELGENE CORPORATION
Patent Owner

Case IPR2015-01103
Patent 6,315,720

MOTION TO SEAL AND FOR ENTRY OF PROTECTIVE ORDER

Pursuant to 37 C.F.R. § 42.14, Patent Owner Celgene Corporation (“Celgene”) respectfully requests that the Patent Trial and Appeal Board (the “Board”) seal Exhibit 2007 in its entirety, and the unredacted version of the Patent Owner Preliminary Response, which discusses Exhibit 2007. Pursuant to Appendix B to the Trial Practice Guide, Celgene is concurrently filing a non-confidential version of the Patent Owner Preliminary Response, with the confidential material redacted.

Exhibit 2007, and the portion of the Patent Owner Preliminary Response discussing that exhibit, contain Celgene’s business confidential information. Specifically, Exhibit 2007 is a confidential, non-public submission to the Food and Drug Administration that is part of Celgene’s New Drug Application for Thalomid[®]. Exhibit 2007 has not been previously disclosed to the public and remains confidential. *See* 21 C.F.R. § 314.81. Good cause therefore exists for sealing these documents. Attached hereto is the Board’s Default Protective Order contained in Appendix B to the Trial Practice Guide.

For the foregoing reasons, Celgene respectfully requests that the Board enter an Order sealing Exhibit 2007 in its entirety, and the unredacted version of the Patent Owner Preliminary Response, which discusses Exhibit 2007, and requiring the parties to abide by the attached Protective Order.

Date: July 28, 2015

Respectfully submitted,

By: /F. Dominic Cerrito (Reg. No. 38,100)/

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PROTECTIVE ORDER

This standing protective order 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 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.

(E) Other Employees of a Party. Employees, consultants or other persons performing work for a party, 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

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