

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}

RENEWED MOTION TO SEAL

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.

TABLE OF CONTENTS

I.	Introduction.....	1
II.	Procedural History	1
III.	Governing Rules and PTAB Guidance.....	5
IV.	Identification of Confidential Information	6
V.	Good Cause Exists for Sealing Certain Confidential Information	7
	A. Patent Owner’s NDA and Related Portions of Patent Owner’s Response, and the Williams, Trattler, Myers and Jarosz Declarations Should Be Sealed	8
	1. The NDA Contains Patent Owner’s Highly Sensitive, Confidential Information	8
	2. Good Cause Exists to Seal the NDA Exhibits as “CONFIDENTIAL” Under the Proposed Stipulated Protective Order	9
	B. Confidential Information in Testimony of Patent Owner’s Officer, the Related Portions of the Jarosz Declaration, and the Jarosz Reply Expert Report in the District Court Case Should Be Sealed	10
	C. Third Party BioScience’s Confidential Testing Reports and Materials Documenting Proprietary Testing Methods and the Related Paulson Declaration Should Be Sealed.....	12
VI.	Conclusion	13

TABLE OF AUTHORITIES

Page(s)

BOARD DECISIONS

Sandoz, Inc. v. EKR Therapeutics, LLC,
IPR2015-00005, Paper 21 10

FEDERAL STATUTES

35 U.S.C. § 3165

FEDERAL REGULATIONS

37 C.F.R. § 42.14 5, 7, 10, 12
37 C.F.R. § 42.20 6
37 C.F.R. § 42.54 6
Office Patent Trial Practice Guide,
77 Fed. Reg. 48756 (Aug. 14, 2012)5, 9, 11, 13

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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)

I. Introduction

Through this Renewed Motion to Seal, Patent Owner requests that three categories of exhibits be sealed: (1) excerpts of Patent Owner's New Drug Application ("NDA") (Exs. 2096, 2102, 2103, 2110, 2251, 2291-2293); (2) information related to the commercial success of Patent Owner's product from a related district court case (Ex. 2258, 2323); and (3) confidential testing reports and materials documenting the proprietary testing methods of a third-party test company (Exs. 2267-2278, 2294). Patent Owner also requests that portions of its Patent Owner's Response (Paper 23) and expert declarations (Exs. 2126 (Myers), 2128 (Paulson), 2082 (Williams), 2116 (Trattler), and 2130 (Jarosz)) citing or substantially describing the above categories of documents be sealed. 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. Procedural History

Patent Owner has filed multiple Motions to Seal. On February 25, 2016, Patent Owner filed Motion to Seal and Motion to Enter Stipulated Protective Order (Paper 25), requesting that certain exhibits and pleadings be sealed, specifically: Exs. 2096, 2102, 2103, 2110, 2251, 2291-2293 (related to Patent Owner's NDA;

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

Exs. 2220, 2226, and 2296 (Patent Owner's presentations); Ex. 2258 (testimony on market share of Patent Owner's product); Exs. 2267-2278, 2286, 2294 (testing reports and materials from third-party test companies); Exs. 2114, 2316 (transcripts of testimony of experts in the co-pending IPRs); portions of Patent Owner's Response (Paper 23); and Exs. 2082, 2105, 2116, 2126, 2128, 2130 (declarations of various experts citing or substantially describing the categories of documents sought to be sealed). Also on February 25, 2016, Patent Owner filed a Joint Motion to Seal (Paper 26) requesting that Patent Owner's Response (Paper 23) and Exhibit 2082 (Declaration of Dr. Robert O. Williams) citing Petitioner Lupin's Abbreviated New Drug Application ("ANDA") (Ex. 2109) be filed under seal. On May 5, 2016, Patent Owner filed a Motion to Seal (Paper 41) requesting that the Reply Expert Report of John C. Jarosz (Ex. 2323), from the related *Senju Pharmaceutical, et al. v. Lupin Ltd. et al.*, No. 14-cv-00667, be filed under seal.

On June 21, 2016, the Board denied the parties request to enter the Stipulated Protective Order (Paper 61) and denied all pending requests to seal exhibits and pleadings without prejudice (Papers 57, 58, 61). As noted in the Second Motion for Entry of Stipulated Protective Order (Paper 64) filed on July 18, 2016, the parties modified the previously Stipulated Protective Order as directed by the Board. Among other things, the parties removed the category of

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