

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
WOCKHARDT BIO AG,
TEVA PHARMACEUTICALS USA, INC.,
AUROBINDO PHARMA U.S.A., INC.,
SUN PHARMACEUTICAL INDUSTRIES, LTD.,
SUN PHARMA GLOBAL FZE and
AMNEAL PHARMACEUTICALS LLC
Petitioners,

v.

ASTRAZENECA AB,
Patent Owner.

Case: IPR2015-01340¹
U.S. Patent No. RE 44,186

**ASTRAZENECA'S MOTION TO SEAL
PORTIONS OF EXHIBIT 2220A**

¹ Petitioner Wockhardt from IPR2016-01029, Petitioner Teva from IPR2016-01122, Petitioner Aurobindo from IPR2016-01117, and Petitioners Sun/Amneal from IPR2016-01104 have been added as Petitioners to this proceeding.

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35 U.S.C. 316(a)2

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37 C.F.R. § 42.541, 2, 3

Office Patent Trial Practice Guide,
77 Fed. Reg. 48,756, 48,760 (Aug. 14, 2012)2

I. Introduction and Statement of Relief Requested

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Patent Owner AstraZeneca AB (“AstraZeneca”) moves to seal portions of **Exhibit 2220A**, the cross-examination of Dr. McDuff. Good cause to seal portions of this document exists because those portions contain confidential and proprietary information from third-parties, which had been previously designated confidential. *See* Paper 40. The third parties identified their information as commercially sensitive, non-public information that only retains its value when treated in accordance with laws that protect such confidential information (*e.g.*, trade secret law). The Board has previously granted the motions to seal this information. Paper 56. Accordingly, AstraZeneca files this motion to protect the third-party confidential information from public disclosure, while allowing the parties access to that information in this proceeding.

AstraZeneca certifies that it conferred in good faith with Petitioners’ counsel and that the parties previously agreed on the scope of the Protective Order (Ex 2192).

AstraZeneca consulted Mylan’s counsel, which stated it does not expect to oppose this motion.

II. Standard for Granting a Motion to Seal

A motion to seal may be granted for good cause. 37 C.F.R. § 42.54. To determine whether good cause exists, the Board must “strike a balance between the public’s interest in maintaining a complete and understandable file history and the parties’ interest in protecting truly sensitive information.” *Garmin Int’l, Inc. v. Cuozzo Speed Techs. LLC*, IPR2012-00001, Paper 34, at 2 (PTAB Mar. 14, 2013) (quoting *Office Patent Trial Practice Guide*, 77 Fed. Reg. 48,756, 48,760 (Aug. 14, 2012)). To that end, only “confidential information” may be sealed. 35 U.S.C. § 316(a)(7) (“The Director shall prescribe regulations . . . providing for protective orders governing the exchange and submission of confidential information”); *Garmin Int’l*, IPR2012-00001, Paper 34, at 2. The *Office Trial Practice Guide* defines confidential information as follows:

Confidential Information: The rules identify confidential information in a manner consistent with Federal Rule of Civil Procedure 26(c)(1)(G), which provides for protective orders for trade secret or other confidential research, development, or commercial information.
§ 42.54.

77 Fed. Reg. 48756, 48760 (Aug. 14, 2012).

Under 35 U.S.C. § 316(a)(1), a party may file a document with a concurrent motion to seal, and the document will be sealed pending the outcome of the motion. *See also* 37 C.F.R. § 42.14. A motion to seal must include a proposed

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