

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

STEADYMED LTD.,

Petitioner,

v.

UNITED THERAPEUTICS CORPORATION

Patent Owner.

Case IPR2016-00006

Patent No. 8,497,393

PETITIONER'S MOTION TO SEAL

Mail Stop "Patent Board"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

SteadyMed Ltd. (“Petitioner”) hereby submits this Motion to Seal certain portions of its Opposition to Patent Owner’s Motion to Exclude (“Opposition”). The exact words and numbers being redacted are shown in the redacted version of the Opposition filed concurrently herewith, on pp. 1 and 2.

Pursuant to Patent Owner’s previous requests, Petitioner files this Motion to Seal these specific, limited portions of Petitioner’s Opposition because they cite numeric purity information that Patent Owner contends is confidential.

Notwithstanding the foregoing request, Petitioner: (1) makes this Motion pursuant to Patent Owner’s previous requests and Patent Owner’s contention that they are confidential; (2) does not believe the requested portions are confidential, or that they should remain under seal; and (3) further requests that the November 29 oral hearing in this matter be made open to the public.

I. Good Cause Exists for Sealing Certain Confidential Information

Each of the proposed redactions contain information that Patent Owner contends is confidential. Patent Owner asserts that good cause exists for sealing this information. Petitioner disagrees, but does not wish to dispute this issue at this time, but seeks to keep the oral argument open to the public.

II. Certification of Non-Publication

Based on Patent Owner's previous representations, the undersigned counsel certifies that, to the best of their knowledge the information sought to be sealed by this Motion to Seal has not been published or otherwise made public.

III. Certification of Conference with Opposing Party Pursuant to 37 C.F.R. § 42.54

Petitioner and Patent Owner have previously conferred about the information contained in this Motion to Seal and Patent Owner has no objection to sealing the requested portions.

IV. Protective Order

The Board has entered a protective order in Paper No. 16, which the parties have agreed will govern handling of information designated confidential in this proceeding.

V. Conclusion

For the reasons stated above, based on Patent Owner's request, Petitioner files this Motion requesting that the portions indicated herein of its Opposition be placed under seal for now, and only the redacted versions of its Opposition be made available to the public.

Date: November 15, 2016

Respectfully submitted,

/s/ Stuart E. Pollack /
Stuart E. Pollack, J.D. Ph.D.
Reg. No. 43,862
DLA Piper LLP (US)

/s/ Lisa A. Haile /
Lisa A. Haile, J.D., Ph.D.
Reg. No. 38,347
DLA Piper LLP (US)

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the attached Motion to Seal was served via electronic mail to the following:

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Date: November 15, 2016

Respectfully submitted,

/s/ Stuart E. Pollack /
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/s/ Lisa A. Haile /
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