

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 Reply to Patent Owner’s Response to Petition (“Reply”) and Exhibit 1021 in its entirety filed in support of its Reply.

The exact words and numbers being redacted are shown in the redacted version of the Reply filed concurrently herewith: pp. (i); 2-6; 8-13; 16-17; and 24. For Exhibit 1021, Petitioner requests that it be sealed in its entirety for the reasons discussed below.

Petitioner has discussed the proposed redactions with Patent Owner, who has indicated that it has no objection. Pursuant to 37 C.F.R. § 42.12, Petitioner seeks to seal these limited portions of the Reply and the entirety of Ex. 1021 because they discuss information that the Board has already ruled upon and determined to be confidential: “we agree with the parties that the disclosed numerical amounts and ranges, identity of the impurities detected, and particulars of the FDA treprostinil purity standard is confidential information concerning the manufacturing process for Remodulin®, submitted and held in confidence to the FDA, and susceptible to misuse by competitors seeking commercial advantage” (Paper No. 27, at p. 5). Exhibit 1021 is a spreadsheet listing proprietary purity information of Patent Owner from sealed Exhibits 2036, 2052, and 2053. The proposed redactions in the Reply cite to the same proprietary purity information,

the identity of impurities, confidential manufacturing information, and information from sealed Exhibit 2006.

I. Good Cause Exists for Sealing Certain Confidential Information

Each of the proposed redactions and Exhibit 1021 contain information that the Board has already ruled upon and determined to be confidential in Paper No. 27, so good cause has already been found by the Board for sealing this information.

II. Certification of Non-Publication

On behalf of Petitioner, 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 conferred about this Motion to Seal and Patent Owner has no objection.

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, Petitioner respectfully requests that the portions indicated herein of its Reply and the entirety of Exhibit 1021 remain under seal and only the redacted versions of its Reply be made available to the public.

Date: September 27, 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: September 27, 2016

Respectfully submitted,

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