

Paper No. ____

Date Filed: Jan. 31, 2018

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMERIGEN PHARMACEUTICALS LIMITED and
ARGENTUM PHARMACEUTICALS LLC
Petitioners,

v.

JANSSEN ONCOLOGY, INC.
Patent Owner.

Case IPR2016-00286¹
Patent 8,822,438 B2

MOTION TO SEAL UNDER 37 C.F.R. §§ 42.14 AND 42.54

¹ Case IPR2016-01317 has been joined with this proceeding.

Pursuant to the Board's January 17, 2018 Final Written Decision, Patent Owner Janssen Oncology, Inc. ("Janssen") submits the present motion to seal. *See* IPR2016-00286, Paper 86 at 46-47 (PTAB Jan. 17, 2018). Janssen notes that it timely filed a motion to seal through the End-to-End System on October 4, 2016, as indicated by the attached filing record. *See* Ex. 2128 (depicting a screenshot of the "Motions For IPR2016-00286"). It appears that when the motion was originally filed on October 4, 2016, it was assigned a "Motion Initiated" status that may not permit the Board to retrieve it. *Id.* Thus, in accordance with the Board's instructions, Janssen hereby re-submits its motion to seal as set forth below.

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Patent Owner Janssen Oncology, Inc. ("Janssen") respectfully submits this motion to seal the confidential versions of Janssen's Declarations of Christopher A. Vellturo, Ph.D. (Ex. 2044) and Matthew B. Rettig, M.D. (Ex. 2038), as well as Exhibits 2092, 2093, 2094 and 2118, which Janssen filed on October 4, 2016. The Parties have previously met and conferred and agreed to a modified version of the Board's Default Protective Order contained in Appendix B of the Patent Trial Practice Guide. *See* Ex. 2113. Pursuant to paragraph 4(A)(ii) of the Parties' proposed Standing Protective Order, Patent Owner also filed non-confidential versions of the Declarations of Christopher A. Vellturo, Ph.D. (Ex. 2115) and Matthew B. Rettig, M.D. (Ex. 2119) with the confidential portions redacted.

I. Reasons for Sealing Certain Confidential Information

Janssen's Declaration of Christopher A. Velluro, Ph.D. cites to material contained in Exhibits 2092, 2093, and 2094.

Exhibits 2092, 2093, and 2094 contain non-public research summaries concerning the use of ZYTIGA®. These summaries include sensitive, non-public research information and results of surveys of healthcare providers. Because Exhibits 2092, 2093, and 2094 contain Janssen's non-public research, Janssen believes that good cause exists to seal Exhibits 2092, 2093, and 2094 in their entirety and the portions of the Declaration of Christopher A. Velluro, Ph.D. disclosing confidential information from Exhibits 2092, 2093, and 2094.

Janssen's Declaration of Matthew B. Rettig, M.D. cites to material contained in Exhibit 2118.

Exhibit 2118 contains non-public technical research and development information. It describes highly sensitive information relating to the research and development of ZYTIGA®. Because Exhibit 2118 contains Janssen's non-public research and development information, Janssen believes that good cause exists to seal Exhibit 2118 in its entirety

II. Certification of Non-Publication Status

With respect to Janssen's Declaration of Christopher A. Velluro, Ph.D., Declaration of Matthew B. Rettig, M.D., and Exhibits 2092, 2093, 2094 and 2118,

Janssen's undersigned counsel certify that the information contained therein and sought to be sealed has not, to the best of their knowledge, been published or otherwise made public.

III. Certification of Conference of the Parties Pursuant to 37 C.F.R. § 42.54

The Parties have previously conferred in good faith via telephone and email and agreed to the terms of a modified version of the Board's Default Protective Order. *See* Ex. 2113.

IV. Proposed Protective Order

The Parties' proposed Standing Protective Order submitted concurrently (*see* Ex. 2113) and to which the Parties have agreed to be bound in this matter, is a slightly modified version of the Board's Default Protective Order. *See* Ex. 2114.

For the foregoing reasons, Patent Owner respectfully requests that the Board enter an Order sealing the confidential versions of Janssen's Declaration of Christopher A. Velluro, Ph.D. and Declaration of Matthew B. Rettig, M.D., and the entirety of Exhibits 2092, 2093, 2094 and 2118, and requiring the parties to abide by the Standing Protective Order. *See* Ex. 2113.

IPR2016-00286
Patent 8,822,438

Respectfully submitted,

Date: January 31, 2018

/Dianne B. Elderkin/
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