

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC. and MYLAN LABORATORIES
LIMITED,
Petitioners,

v.

UCB PHARMA GMBH
Patent Owner

Patent No. 6,858,650¹
Case IPR2016-00510

**JOINT MOTION TO SEAL
AND FOR ENTRY OF A PROTECTIVE ORDER
PURSUANT TO 37 C.F.R. § 42.54**

¹ Petitioners Alembic Pharmaceuticals Limited from IPR2016-01596, Torrent Pharmaceuticals Limited from IPR2016-01636, and Amerigen Pharmaceuticals Limited from IPR2016-01665 have been joined as Petitioners to this proceeding.

Petitioners Mylan Pharmaceuticals Inc., Mylan Laboratories Limited, Alembic Pharmaceuticals Limited, Torrent Pharmaceuticals Limited, and Amerigen Pharmaceuticals Limited and Patent Owner UCB Pharma GmbH hereby move for entry of the Protective Order appended below as Addendum A and further move to seal certain exhibits submitted as supplemental information as permitted in Paper No. 32. The exhibits are sealed to protect confidential business information from disclosure to competitors and from disclosure to the general public.

Additionally, submitted as Addendum B is the joint document indicating how each full deposition transcript filed as an Exhibit in this proceeding² corresponds to the excerpts cited in the Response or Reply as directed in Paper No. 32.

I. MOTION TO SEAL

The parties move to seal the following exhibits:

1. Exhibit 1073A - Deposition Transcript of William Roush, dated September 9, 2016; and
2. Exhibit 1075A - Deposition Transcript of Leonard Chyall, dated August 23, 2016.

² Exhibits 1073A-1076A, 2020, 2026, and 2027.

Petitioner has concurrently filed redacted versions of Exhibits 1073A and 1075A.

The above-listed exhibits include competitively-sensitive, non-public, business information of third parties. The confidential information contained in the above-listed exhibits was disclosed to Mylan Pharmaceuticals Inc. pursuant to a Protective Order entered in the related district court litigation, *Pfizer Inc. and UCB Pharma GmbH v. Mylan Pharmaceuticals Inc.*, No. 1:15-cv-0079-GMS (D. Del.).

If this confidential information were disclosed publicly, it likely would cause competitive business harm. In other *inter partes* review proceedings, the Board has held that confidential information such as that submitted here should remain under seal. *See, e.g., Greene's Energy Grp., LLC, Inc. v. Oil States Energy Svcs., LLC*, IPR2014-00216, Paper 27, at 5 (PTAB Sept. 23, 2014). In *Greene's Energy Group*, the Board held that portions of an exhibit containing confidential financial information should remain under seal where the proposed redactions were reasonable and the thrust of the underlying argument or evidence was clearly discernable from the redacted versions. *Id.* Here, Patent Owner has redacted from the public filings only those portions of the exhibits that reflect competitively-sensitive information of third parties.

II. MOTION FOR ENTRY OF A PROTECTIVE ORDER

The parties have further met-and-conferred and agreed upon entry of a Protective Order in this case. The Board's default protective order is appended as Addendum A.

III. CONCLUSION

For the foregoing reasons, the parties respectfully request that the Board grant this joint motion to seal and entry of a protective order.

Dated: March 2, 2017

Respectfully submitted,

By: /s/ Mitchell G. Stockwell
Mitchell G. Stockwell
Registration No. 39,389

Lead Counsel for Petitioner Mylan
Pharmaceuticals, Inc.

By: /s/ Jeffrey J. Oelke
Jeffrey J. Oelke
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Lead Counsel for Patent Owner UCB
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ADDENDUM A

Standing Protective Order

This standing protective order governs the treatment and filing of confidential information, including documents and testimony.

1. Confidential information shall be clearly marked “PROTECTIVE ORDER MATERIAL.”

2. Access to confidential information marked “PROTECTIVE ORDER MATERIAL” is limited to the following individuals who have executed the acknowledgment appended to this order:

(A) Parties. Persons who are owners of a patent involved in the proceeding and other persons who are named parties to the proceeding.

(B) Party Representatives. Representatives of record for a party in the proceeding.

(C) Experts. Retained experts of a party in the proceeding who further certify in the Acknowledgement that they are not a competitor to any party, or a consultant for, or employed by, such a competitor with respect to the subject matter of the proceeding.

(D) In-house counsel. In-house counsel of a party.

(E) Other Employees of a Party. Employees, consultants, or other persons performing work for a party, other than in-house counsel and in-house counsel’s

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