

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN LABORATORIES, LTD.,
Petitioner,

v.

AVENTIS PHARMA S.A.,
Patent Owner.

Case IPR2016-00712
Patent 8,927,592

**PETITIONER MYLAN LABORATORIES LIMITED'S
MOTION TO SEAL**

I. STATEMENT OF PRECISE RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.14, Petitioner Mylan Laboratories, Ltd. (“Mylan” or “Petitioner”) respectfully submits Petitioner’s Response to the Patent Owner’s Motion for Observations on the Cross-Examination of Mr. Robert McSorley under seal because it discusses Exhibits 1044, 1065, 1068, 1071, and 2261. Aventis has designated each of these documents confidential subject to the Stipulated Protective Order (Paper 36). Petitioner has not presently filed a redacted version of the Response. Upon confirmation from Aventis that portions of the Response may be filed publicly or an order from the Board permitting the public filing, Petitioner is willing to file a redacted version of the Response.

II. GOOD CAUSE MUST EXIST FOR SEALING CONFIDENTIAL INFORMATION

The record of a proceeding is open and available for access by the public. *See* 37 C.F.R. § 42.14. The Board must find “good cause” to seal documents. *Garmin v. Cuozzo*, IPR2012-00001, Paper 36 at 3 (PTAB April 5, 2013). “The rules aim to 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.” *The Office Patent Trial Practice Guide*, 77 Fed. Reg. 48756, 48760 (Aug. 14, 2012).

The public’s interest in having access to a party’s confidential business or

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clinical research information that is only indirectly related to patent validity is

“minimal.” *Garmin* at 8-9 (granting the patent owner’s motion to seal an agreement relating to the “commercializ[ation]” of the patent-at-issue). Here, good cause supports Petitioner’s filing of the Response under seal because Petitioner is thereby complying with the Stipulated Protective Order in this Proceeding.

Stipulated Protective Order. Paper 36 at 4 (“Information designated as confidential that is disclosed to another party during discovery or other proceedings before the Board shall be clearly marked as ‘PROTECTIVE ORDER MATERIAL’ and shall be produced in a manner that maintains its confidentiality”).

III. CERTIFICATION OF CONFERENCE WITH OPPOSING PARTY PURSUANT TO 37 C.F.R. §42.54

Counsel for Mylan has conferred with counsel for Aventis regarding the confidentiality of Exhibits 1044, 1065, 1068, 1071, and 2261.

IV. CONCLUSION

For the reasons provided above, Mylan requests that the Board permit Petitioner to file its Response to the Patent Owner’s Motion for Observations on the Cross-Examination of Mr. Robert McSorley under seal.

Respectfully submitted,

Date: May 22, 2017

/ Steven W. Parmelee /

Steven W. Parmelee

Reg. No. 31,990

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CERTIFICATE OF SERVICE

This is to certify that I caused to be served a true and correct copy of the foregoing Petitioner Mylan Laboratories Limited's Motion to Seal, on this 22nd day of May, 2017, on the Patent Owner at the correspondence address of the Patent Owner as follows:

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Respectfully submitted,

Dated: May 22, 2017

/ Steven W. Parmelee /

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