

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC., TEVA PHARMACEUTICALS
USA, INC., and AKORN INC.
Petitioners,

v.

SAINT REGIS MOHAWK TRIBE,
Patent Owner.

Case IPR2016-01127 (8,685,930 B2)
Case IPR2016-01128 (8,629,111 B2)
Case IPR2016-01129 (8,642,556 B2)
Case IPR2016-01130 (8,633,162 B2)
Case IPR2016-01131 (8,648,048 B2)
Case IPR2016-01132 (9,248,191 B2)¹

Before SHERIDAN K. SNEDDEN, TINA E. HULSE, and
CHRISTOPHER G. PAULRAJ, *Administrative Patent Judges*.

PAULRAJ, *Administrative Patent Judge*

ORDER
Conduct of the Proceedings
37 C.F.R § 42.5

¹ Cases IPR2017-00576 and IPR2017-00594, IPR2017-00578 and IPR2017-00596, IPR2017-00579 and IPR2017-00598, IPR2017-00583 and IPR2017-00599, IPR2017-00585 and IPR2017-00600, and IPR2017-00586 and IPR2017-00601, have respectively been joined with the captioned proceedings.

IPR2016-01127 (8,685,930 B2); IPR2016-01128 (8,629,111 B2);
IPR2016-01129 (8,642,556 B2); IPR2016-01130 (8,633,162 B2);
IPR2016-01131 (8,648,048 B2); IPR2016-01132 (9,248,191 B2)

In connection with its Motion to Dismiss, the Saint Regis Mohawk Tribe (“Tribe”) has filed certain of its agreements with Allergan, Inc. under seal in these proceedings. Ex. 2086; Ex. 2087.² Additionally, Petitioners filed a confidential version of their Opposition to the Tribe’s Motion to Dismiss, which quotes from these agreements, under seal. *See* Paper 86. The parties, however, have not filed a motion to seal these documents in accordance with our rules. *See* 37 C.F.R. § 42.14 (“A party intending a document or thing to be sealed shall file a motion to seal concurrent with the filing of the document or thing to be sealed.”); 37 C.F.R. § 42.54(a); *see also* Paper 9 (Standing Order), 4.

To avoid any prejudice, we direct the parties to meet and confer as to whether any of the information in Exhibits 2086 and 2087 and Paper 86 should be treated as confidential. After such a meet and confer, the Tribe may file a motion to seal these documents with a showing of “good cause” as to why the information sought to be sealed constitutes confidential information. Any such motion shall be filed no later than five (5) business days after entry of this Order, and shall provide a detailed explanation of the efforts undertaken to protect the confidentiality of the information. *See Garmin International v. Cuozzo Speed Technologies, LLC*, Case IPR2012-00001, slip op. at 1-2 (PTAB March 14, 2013) (Paper 34) (discussing the standards of the Board applied to motions to seal). To the extent that portions of the agreements are not deemed confidential, the Tribe shall file

² Paper numbers and exhibits cited in this order refer to those documents filed in IPR2016-01127. Similar papers and exhibits were filed in the other proceedings.

IPR2016-01127 (8,685,930 B2); IPR2016-01128 (8,629,111 B2);
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redacted versions of the agreements with its motion to seal. In this regard, we note that the Tribe has previously referred to provisions of the same agreements in other public documents, including in the Tribe's Reply in support of its Motion to Dismiss. Paper 93; Ex. 1157.

Accordingly, based on the foregoing, it is:

ORDERED that the parties are directed to meet and confer as to whether any of the information in Exhibits 2086 and 2087 and Paper 86 should be treated as confidential;

FURTHER ORDERED that, after such a meet and confer, the Tribe may file a motion to seal Exhibits 2086 and 2087 and Paper 86 with a showing of "good cause" as to why the information sought to be sealed constitutes confidential information within five (5) business days after entry of this Order;

FURTHER ORDERED that any opposition to the Tribe's motion to seal shall be filed within five (5) business days after such motion is filed; and

FURTHER ORDERED that Exhibits 2086 and 2087 and Paper 86 shall be unsealed and treated as public if no motion to seal is filed within five (5) business days after entry of this Order.

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PETITIONER MYLAN:

Steven W. Parmelee
Michael T. Rosato
Jad A. Mills
WILSON SONSINI GOODRICH & ROSATI
sparmelee@wsgr.com
mrosato@wsgr.com
jmills@wsgr.com

PETITIONER TEVA:

Gary Speier
Mark Schuman
CARLSON, CASPERS, VANDENBURH,
LINDQUIST & SCHUMAN, P.A.
gspeier@carlsoncaspers.com
mschuman@carlsoncaspers.com

PETITIONER AKORN:

Michael Dzwonczyk
Azadeh Kokabi
Travis Ribar
SUGHRUE MION, PLLC
mdzwonczyk@sughrue.com
akokabi@sughrue.com

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PATENT OWNER:

Dorothy P. Whelan
Michael Kane
Susan Coletti
Robert Oakes
FISH & RICHARDSON P.C.
whelan@fr.com
PTABInbound@fr.com
coletti@fr.com
oakes@fr.com

Alfonso Chan
Michael Shore
Christopher Evans
SHORE CHAN DEPUMPO LLP
achan@shorechan.com
mshore@shorechan.com
cevans@shorechan.com

Marsha Schmidt
marsha@mkschmidtlaw.com