

Paper No. \_\_\_\_  
Date Filed: March 8, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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WOCKHARDT BIO AG,  
Petitioner,

v.

JANSSEN ONCOLOGY, INC.,  
Patent Owner.

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Case IPR2016-01332  
Patent 8,822,438

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

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 version of Janssen’s Declaration of Christopher A. Velluro, Ph.D., and Exhibits 2092, 2093, and 2118, which Janssen filed on March 8, 2016. The Parties have 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 is also concurrently filing a non-confidential version of the Declaration of Christopher A. Velluro, Ph.D. 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 and 2093.

Exhibits 2092 and 2093 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, and 2093 contain Janssen’s non-public research, Janssen believes that good cause exists to seal Exhibits 2092 and 2093 in their entirety and the portions of the Declaration of Christopher A. Velluro, Ph.D. disclosing confidential information from Exhibits 2092 and 2093.

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-Public Status**

With respect to Janssen's Declaration of Christopher A. Velluro, Ph.D. and Exhibits 2092, 2093 and 2118, Janssen's undersigned counsel certifies 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 conferred in good faith via 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 on March 8, 2017 (*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 (redline comparison of proposed and default protective orders).

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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. Vellturo, Ph.D. and the entirety of Exhibits 2092, 2093, and 2118, and requiring the parties to abide by the Standing Protective Order (*See Ex. 2113*).

Dated: March 8, 2017

Respectfully Submitted,

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### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **MOTION TO SEAL UNDER 37 C.F.R. §§ 42.14 AND 42.54** was served on counsel of record on March 8, 2017 by filing this document through the End-to-End System, as well as delivering a copy via electronic mail to counsel of record for the at the following addresses:

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Respectfully submitted,

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