

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC., ACTAVIS
LABORATORIES FL, INC., AMNEAL PHARMACEUTICALS LLC,
AMNEAL PHARMACEUTICALS OF NEW YORK, LLC, DR. REDDY'S
LABORATORIES, INC., DR. REDDY'S LABORATORIES, LTD.,
SUN PHARMACEUTICALS INDUSTRIES, LTD.,
SUN PHARMACEUTICALS INDUSTRIES, INC.,
TEVA PHARMACEUTICALS USA, INC., WEST-WARD
PHARMACEUTICAL CORP., and HIKMA PHARMACEUTICALS, LLC,

Petitioners

v.

JANSSEN ONCOLOGY, INC.,

Patent Owner

Case IPR2016-01332¹
Patent 8,822,438 B2

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

¹ Case IPR2017-00853 has been joined with this proceeding.

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Petitioner Mylan Pharmaceuticals Inc. (“Mylan”) respectfully submits this motion to seal the confidential version of the April 10, 2017 Deposition of Dr. Richard Auchus (“Auchus Deposition”) (Ex. 1143) and the confidential version of the Reply Declaration of Ivan T. Hofmann (“Hofmann Reply Declaration”) (Ex. 1134), both of which Mylan filed on April 19, 2017. Pursuant to paragraph 4(A)(ii) of the Protective Order filed in this case (Ex. 2113), Mylan is also concurrently filing a non-confidential version of the Auchus Deposition (Ex. 1144) and a non-confidential version of the Hofmann Reply Declaration (Ex. 1145) with the confidential portions redacted.

I. Reasons for Sealing Certain Confidential Information

With respect to the Auchus Deposition, Patent Owner has designated pages 18:10-23:5 and 23:10-23:18 of the Auchus Deposition as Confidential under the Protective Order.

With respect to the Hofmann Reply Declaration, Patent Owner has previously moved to seal Exhibits 2092 and 2093. Paper No. 34. Mylan seeks to file under seal the portions of the Hofmann Reply Declaration that relate to these exhibits.

II. Certification of Non-Publication

To the undersigned counsel’s knowledge, the information sought to be sealed by this motion has not been published or otherwise made public.

III. Certification of Conference With Opposing Party Pursuant to 37 C.F.R. § 42.54.

Mylan has conferred with Patent Owner, and Patent Owner does not oppose this motion to seal.

* * *

For the foregoing reasons, Mylan respectfully requests that the Board enter an Order sealing the confidential version of the Auchus Deposition (Ex. 1143) and the confidential version of the Hofmann Reply Declaration (Ex. 1134).

Dated: April 19, 2017

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Motion to Seal was served electronically via email as follows:

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