

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
Petitioner

v.

BOEHRINGER INGELHEIM INTERNATIONAL GMBH,
Patent Owner

IPR2016-01565

U.S. Patent No. 8,853,156

PATENT OWNER'S MOTION TO SEAL UNDER 37 C.F.R. § 42.54

Patent Owner Boehringer Ingelheim International GmbH (“Boehringer”) respectfully requests the Board to authorize the filing of the confidential versions of Exhibits 2010, 2011, 2012, 2013, 2014, and 2015 under seal, pursuant to 37 C.F.R. § 42.54.

The Exhibits 2010-2015 are copies of internal Boehringer clinical development plans, management summaries, nonclinical and clinical study reports, and industry communications strategy documents. These documents contain Boehringer confidential and commercially sensitive technical and business information that Boehringer has marked “Protective Order Material.” Public disclosure of this information would significantly harm Boehringer’s competitive position because it would allow competitors to access sensitive technical and business information related to, among other things, Boehringer’s drug-development and marketing strategy.

To the best of Boehringer’s knowledge, none of the confidential, proprietary information in Exhibits 2010-2015 has previously been made publicly available and Boehringer has taken reasonable steps to prevent the public disclosure of this information.

A copy of the Board’s Default Protective order is attached hereto as Appendix A. The parties have met and conferred and have agreed that the Default

Protective Order shall govern these materials, to the extent they are found to contain confidential information.

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[PROPOSED] 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 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 support staff, who sign the Acknowledgement shall be extended access to confidential information only upon agreement of the parties or by order of the

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