

Paper No. ____
Date Filed: Nov. 16, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WOCKHARDT BIO AG,
Petitioner,

v.

JANSSEN ONCOLOGY, INC.,
Patent Owner.

Case IPR2016-01582
Patent 8,822,438

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 versions of Janssen’s Preliminary Response as well as Exhibits 2002 and 2003. 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. 2006). Pursuant to paragraph 4(A)(ii) of the Parties’ proposed Standing Protective Order, Patent Owner is also concurrently filing non-confidential versions of Janssen’s Preliminary Response, and Exhibit 2002 (*see* non-confidential version at Exhibit 2005) and 2003 (*see* non-confidential version at Exhibit 2004) with the confidential portions redacted.

I. Reasons for Sealing Certain Confidential Information

Janssen’s Preliminary Response cites to material contained in Exhibits 2002 and 2003. Exhibit 2002 is an email exchange between Vipin Dhanorkar, Vice President of Global IP at Wockhardt Bio AG, and Jennifer Reda, Assistant General Counsel at Johnson & Johnson. Exhibit 2003 is the declaration of Jennifer Reda.

Exhibits 2002 and 2003 reflect information from business confidential communications between the parties. Because Exhibits 2002 and 2003 contain business confidential communications between the parties, Janssen believes that good cause exists to seal portions of Exhibits 2002 and 2003, and the portions of

Janssen's Preliminary Response disclosing confidential information from Exhibits 2002 and 2003.

II. Certification of Non-Publication Status

With respect to Janssen's Preliminary Response, and Exhibits 2002 and 2003, Janssen's undersigned counsel certify 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 telephone and email and agreed to the terms of a modified version of the Board's Default Protective Order. *See* Ex. 2006.

IV. Proposed Protective Order

The Parties' proposed Standing Protective Order submitted concurrently (*see* Ex. 2006) 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. 2007 (redline comparison of proposed and default protective orders).

For the foregoing reasons, Patent Owner respectfully requests that the Board enter an Order sealing the confidential versions of Janssen's Preliminary Response,

and Exhibits 2002 and 2003, and requiring the parties to abide by the Standing Protective Order (*See* Ex. 2006).

Dated: November 16, 2016

Respectfully submitted,

By: /Dianne B. Elderkin /

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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 November 16, 2016 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 Petitioner at the following addresses:

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Respectfully submitted,

Date: Nov. 16, 2016

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