

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
Petitioner,

v.

GENENTECH, INC.,
Patent Owner.

Case IPR2016-01693 (Patent 6,407,213 B1)
Case IPR2016-01694 (Patent 6,407,213 B1)¹

Before SHERIDAN K. SNEDDEN, ZHENYU YANG, and
ROBERT A. POLLOCK, *Administrative Patent Judges*.

YANG, *Administrative Patent Judge*.

DECISION
Patent Owner's Motion to Seal
37 C.F.R. § 42.14

¹ This order addresses issues that are common to each referenced case. We, therefore, issue a single order that has been entered in each case. For convenience, paper numbers refer to those filed in IPR2016-01693.

IPR2016-01693 (Patent 6,407,213 B1)

IPR2016-01694 (Patent 6,407,213 B1)

Genentech, Inc. (“Patent Owner”) filed a Motion to Seal Exhibits 2001–2015, 2018, 2029, and 2030. Paper 12, 1. Patent Owner’s Motion is granted.

Exhibits 2001–2009 are Genentech’s laboratory notebooks or excerpts of laboratory notebooks. Exhibits 2010–2011 are internal documents relating to research conducted at Genentech. Patent Owner asserts that these documents contain confidential research and development information under Federal Rule of Civil Procedure 26(c)(1)(G). Paper 12, 3. In addition, according to Patent Owner, “Exhibits 2018, 2029, and 2030 are declarations by three Genentech scientists pertaining to confidential research and development activities related to the invention described and claimed” in the challenged patent. *Id.* at 4. Patent Owner has filed a redacted version of each of Exhibits 2018, 2029, and 2030.

Patent Owner represents that the parties have agreed to the provisions of a modified version of the default Protective Order set forth in the Office Patent Trial Practice Guide (Ex. 2031). Paper 12, 2–3. The Modified Default Standing Protective Order excludes the parties and employees of the parties, other than in-house counsel, from accessing confidential information in the referenced proceedings. Ex. 2017, 1–2.

Upon considering the content of Exhibits 2001–2015, 2018, 2029, and 2030, along with Patent Owner’s representations as to the confidentiality of the information, we determine that Patent Owner has shown good cause for sealing Exhibits 2001–2015 and the redacted portions of Exhibits 2018, 2029, and 2030.

IPR2016-01693 (Patent 6,407,213 B1)

IPR2016-01694 (Patent 6,407,213 B1)

Accordingly, it is

ORDERED that Patent Owner's Motion to Seal is GRANTED;

FURTHER ORDERED that Modified Default Standing Protective Order (Exhibit 2031) is hereby entered; and

FURTHER ORDERED that this Protective Order shall govern the conduct of the proceeding unless otherwise modified.

PETITIONER:

Jeffrey Guise

jguise@wsgr.com

Deanne Mazzochi

dmazzochi@rmmslegal.com

PATENT OWNER:

David Cavanaugh

David.cavanaugh@wilmerhale.com

Owen Allen

Owen.allen@wilmerhale.com

Adam Brausa

abrausa@durietangri.com