

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ACRUX DDS PTY LTD., ACRUX LIMITED,  
ARGENTUM PHARMACEUTICALS LLC,  
Petitioners,

v.

KAKEN PHARMACEUTICAL CO., LTD. and  
VALEANT PHARMACEUTICALS INTERNATIONAL, INC.,  
Patent Owner.

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Case IPR2017-00190<sup>1</sup>  
Patent 7,214,506 B2

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**PETITIONERS' MOTION TO SEAL**

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<sup>1</sup> Case IPR2017-01429 has been joined with the instant proceeding.

Pursuant to 37 C.F.R. §§ 42.14 and 42.54 and the Board’s Default Protective Order filed in these proceedings, Acrux DDS PTY Ltd., Acrux Limited, and Argentum Pharmaceuticals LLC (collectively, “Petitioners”) hereby move to seal Petitioners’ Reply in Support of Their Motion to Exclude Under 37 C.F.R. § 42.64(c), filed concurrently herewith.

The record of an *inter partes* review proceeding, including documents and things, is made available to the public, except as otherwise ordered. 37 C.F.R. § 42.14. Despite the default rule of public availability, the Board will seal confidential information for “good cause,” because it is necessary to “strike a balance between the public’s interest in maintaining a complete and understandable file history and the parties’ interest in protecting truly sensitive information.” 37 C.F.R. § 42.54(a); 77 Fed. Reg. 48756, 48760 (Aug. 14, 2012).

It is Petitioners’ understanding that information in Kaken Exhibits 2093, 2095, 2098 and 2099 has been designated as containing confidential information under the Board’s Default Protective Order.

These documents have been filed under seal and are discussed in Petitioners’ Reply in Support of Their Motion to Exclude Under 37 C.F.R. § 42.64(c), requiring the filing of the current motion to seal that document. Petitioners have no independent basis for the aforementioned documents to be sealed and thus make no assertion as to whether or not they contain confidential information.

Petitioners contacted Patent Owner regarding this Motion to Seal and Patent

Owner did not oppose.

Respectfully submitted,

Date: January 12, 2018

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**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing **PETITIONER'S MOTION TO SEAL** was served electronically *via* email on January 12, 2018, in its entirety on the following:

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