

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ACRUX DDS PTY LTD. & ACRUX LIMITED
Petitioners,

v.

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

Case: IPR2017-00190
U.S. Patent No. 7,214,506

PETITIONER'S MOTION TO SEAL

Pursuant to 37 C.F.R. §§ 42.14 and 42.54 and the Board’s Default Protective Order filed in these proceedings, Petitioners hereby move to seal the following categories of exhibits:

- (1) Deposition transcripts of Mr. Thomas and Dr. Tatsumi designated by Patent Owner as containing confidential information under the Board’s Default Protective Order;
- (2) Rebuttal Declaration of Petitioner’s expert, John C. Staines, Jr.; and
- (3) An exhibit marked as Patent Owner’s Ex. 2110 served on Petitioners and designated by Patent Owner as containing confidential information under the Board’s Default Protective Order. As Patent Owner has not made this Exhibit of record in this *inter partes* review, Petitioners file it herewith as Petitioners’ Ex. 1663.

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 the following documents has been designated as confidential to Patent Owner, pursuant to the Board's Default Protective Order:

- Portions of Ex. 1506 (Tatsumi Transcript);
- Portions of Ex. 1507 (Thomas Transcript);
- Portions of Rebuttal Declaration of Petitioner's expert, John C. Staines, Jr.; and
- Ex. 1663 (also marked as Patent Owner's Ex. 2110).

Patent Owner has requested that Petitioners file these documents under seal and file an appropriate motion to seal under the Board's Default Protective Order. 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: November 1, 2017

By: /s/ Aydin H. Harston

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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 November 1, 2017, in its entirety on the following:

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