

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ACRUX DDS PTY LTD., ACRUX LIMITED, and
ARGENTUM PHARMACEUTICALS LLC,
Petitioner,

v.

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

Case IPR2017-00190¹
Patent 7,214,506 B2

Before SUSAN L. C. MITCHELL and ROBERT A. POLLOCK,
Administrative Patent Judges.

MITCHELL, *Administrative Patent Judge.*

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

¹ Case IPR2017-01429 has been joined with the instant proceeding.

Kaken Pharmaceutical Co., Ltd. and Valeant Pharmaceuticals International, Inc., (“Patent Owner”) move to preserve the entire record and maintain under seal all non-public, currently sealed documents in this proceeding pending the outcome of all appeals. Paper 83, 5. Patent Owner notes that Patent Owner’s three unopposed motions to seal and Petitioner’s four unopposed motions to seal were granted, and the Board entered its default protective order to govern this proceeding. *See id.* at 1–2 (citing Papers 25, 59, 72 (Patent Owner’s motions to seal), Papers 36, 50, 62, 77 (Petitioner’s motions to seal)).

Specifically, Patent Owner moves “(i) to preserve and maintain under seal Exhibits 1663, 2093–2095, 2098, and 2099, unredacted versions of Exhibits 1506, 1507, 1511, and 2116, and unredacted versions of Papers 52, 64, 69, and 74, and (ii) two weeks to file a motion to expunge after all opportunities for appeal.” Paper 83, 2. Patent Owner represents that it conferred with Acrux DDS Pty, Ltd, Acrux Limited, and Argentum Pharmaceuticals LLC (collectively, “Petitioners”), who proposed such preservation of the record until all appeals are completed. *Id.* at 1. Patent Owner filed a notice of appeal on August 7, 2018. Paper 86.

We grant the Patent Owner’s Motion to reserve the record for appeal in IPR2017-00190.

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Motion is *granted*;

FURTHER ORDERED that the record in IPR2017-00190 will be preserved, and the documents filed under seal will not be expunged or made

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public during the pendency of an appeal for the case in which the sealed documents are part of the *inter partes* proceeding.

FURTHER ORDERED that the parties will have fourteen days after the termination of an appeal to file a motion to expunge sealed confidential information in the case for which the appeal is terminated.

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