

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

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

Case IPR2017-00190¹
Patent 7,214,506 B2

PETITIONERS' MOTION TO SEAL

¹ 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' Motion to Exclude Evidence Submitted by Patent Owner 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 the following documents has been designated as containing confidential information under the Board's Default Protective Order:

- Kaken Exhibits 2093, 2094, 2095, 2098 and 2099;
- Portions of Exhibit 1507 (Deposition Transcript of Mr. Vincent A. Thomas);
- Portions of Exhibit 1511 (Rebuttal Declaration of Petitioner's expert, John C. Staines, Jr.); and

- Exhibit 1663 (also marked as Patent Owner's Ex. 2110).

These documents have been filed under seal and are discussed in Petitioners' Motion to Exclude Evidence Submitted by Patent Owner 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 does not oppose.

Respectfully submitted,

Date: December 22, 2017

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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 December 22, 2017, in its entirety on the following:

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