

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARGENTUM PHARMACEUTICALS LLC,
Petitioner

v.

ALCON RESEARCH, LTD.,
Patent Owner

Case IPR2017-01053
Patent 8,268,299

**ALCON RESEARCH, LTD.'S MOTION TO UNSEAL AND MOTION FOR
ENTRY OF THE DEFAULT STANDING PROTECTIVE ORDER**

Pursuant to 37 C.F.R. § 42.54, and in response to the Board’s January 19, 2018 Order Denying Without Prejudice Patent Owner’s Motion to Seal and for Entry of Proposed Protective Order, Patent Owner Alcon Research, Ltd. (“Alcon”) hereby respectfully moves:

- to unseal Exhibits 2008–2022, 2029, and 2040–58;
- for entry of the Default Standing Protective Order (Exhibit 2140).

A. Proposed Protective Order

Pursuant to 37 C.F.R. § 42.54, Alcon is moving again for entry of the Default Standing Protective Order. *See* Ex. 2140. Alcon has produced to Petitioner Argentum Pharmaceuticals LLC (“Argentum”) raw data owned by each of IMS Health/IQVIA and Encuity Research. Alcon’s contracts with these companies require it to only disclose these data to third parties (such as Argentum) pursuant to a protective order. In addition, Alcon has produced the complete versions of the lab notebooks and adjunctive data that are excerpted in Exhibits 2008–2022, each of which contains Alcon’s confidential information that is not relevant to this case and has never been publicly disclosed. These materials have not been filed. Alcon requests that the default protective order be entered so that it continues to govern the treatment of confidential information exchanged among the parties. *See* Ex. 2140 ¶ 4(B).

**B. Certification of Conference with Opposing Party Pursuant to 37
C.F.R. § 42.54**

Alcon certifies that Argentum consents to Alcon's Motion for Entry of the
Default Standing Protective Order and will not be filing an opposition.

Dated: January 25, 2018

Respectfully submitted,

/David M. Krinsky/

David M. Krinsky

Reg. No. 72,339

Lead Counsel for

Patent Owner

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CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))

The undersigned hereby certifies that the foregoing “ALCON RESEARCH, LTD.’S MOTION TO UNSEAL AND MOTION FOR ENTRY OF THE DEFAULT STANDING PROTECTIVE ORDER” was served on January 25, 2018, via electronic mail upon the following attorneys of record for the Petitioner:

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