

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 B2

Before GRACE KARAFFA OBERMANN and SUSAN L. C. MITCHELL,
Administrative Patent Judges.

OBERMANN, *Administrative Patent Judge.*

ORDER

*Granting Patent Owner's Motion to Unseal and
Motion for Entry of Default Standing Protective Order*
35 U.S.C. § 316; 37 C.F.R. §§ 42.5(a), 14, 42.54

On December 22, 2017, Patent Owner filed a Motion to Seal directed to Exhibits 2008–2022, 2029, and 2040–2058, including a request for entry of a protective order. *See generally* Paper 24 (“First Motion to Seal”). On January 19, 2018, we denied the First Motion to Seal, including the request for entry of a protective order. Paper 27, 8 (“Order Denying the First Motion to Seal”). However, we authorized Patent Owner to file a Second Motion to Seal or, alternatively, a Motion to Unseal directed to any exhibit that was the subject of the First Motion to Seal. *Id.*

On January 25, 2018, Patent Owner filed a Motion to Unseal that is directed to all of the exhibits that were the subject of the First Motion to Seal; that is, Exhibits 2008–2022, 2029, and 2040–58. Paper 28, 1 (“Motion to Unseal”). The Motion to Unseal includes a request to enter the Board’s Default Standing Protective Order (Exhibit 2140). Patent Owner certifies that Petitioner consents to the request for entry of the Default Standing Protective Order “and will not be filing an opposition.” Paper 28, 2.

Unsealing Exhibits 2008–2022, 2029, and 2040–58 will promote an open and understandable public record of this proceeding. In that regard, our rules specifically establish a preference for public availability of documents filed in an *inter partes* review. 37 C.F.R. § 42.14. Accordingly, we determine that Patent Owner establishes good cause for granting the Motion to Unseal. The Board shall unseal Exhibits 2008–2022, 2029, and 2040–58 contemporaneously with this Order.

Patent Owner also states facts sufficient to establish good cause for granting the unopposed request for entry of the Board’s Default Standing Protective Order (Ex. 2140). Paper 28, 1. Our rules allow a party, filing a motion to seal confidential information, to file also a request for entry of a

protective order. 37 C.F.R. §§ 42.54, 42.55. In this case, although no motion to seal presently is pending, entry of the Board's Default Standing Protective Order will allow the parties to freely exchange with each other confidential information that neither party intends to file in the record of the proceeding. Paper 28, 1. That free exchange of information promotes a just, speedy, and efficient resolution of the parties' dispute. *See id.* Accordingly, we grant Patent Owner's unopposed request for entry of the Board's Default Standing Protective (Ex. 2140), which will govern both the exchange and filing of confidential information in this proceeding unless otherwise modified. 37 C.F.R. § 42.5 (authorizing the Board to "determine a proper course of conduct" "for any situation not specifically covered by" the rules).

ORDER

It is

ORDERED that Patent Owner's Motion to Unseal is *granted*;

FURTHER ORDERED that Exhibits 2008–2022, 2029, and 2040–58 shall be unsealed contemporaneously with this Order;

FURTHER ORDERED that Patent Owner's unopposed request for entry of the Board's Default Standing Protective Order (Ex. 2140) is *granted*; and

FURTHER ORDERED that the Board's Default Standing Protective Order (Ex. 2140) shall govern the exchange and filing of confidential information in this proceeding unless otherwise modified.

IPR2017-01053
Patent 8,268,299 B2

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