

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Celltrion, Inc.  
Petitioner,  
v.  
Genentech, Inc.  
Patent Owner  
Patent No. 6,407,213

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*Inter Partes* Review No. IPR2017-01373

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**PETITIONER CELLTRION'S MOTION TO SEAL**

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Petitioner Celltrion, Inc. respectfully requests that the Board seal Petitioner’s Exhibit Nos. 1139-1142, as well as portions of Petitioner’s Reply and portions of Exhibit No. 1143 (Expert Declaration of Lutz Riechmann, Ph.D. in Support of Petitioner’s Reply), filed herewith. Patent Owner Genentech has designated each of the documents marked as Petitioner’s Exhibit Nos. 1139-1142 as Confidential pursuant to the Modified Default Standing Protective Order (Ex. 2030).<sup>1</sup> The portions of Petitioner’s Reply and portions of Exhibit No. 1142 that Petitioner seeks to seal reflect information that Patent Owner has marked Confidential pursuant to the Modified Default Standing Protective Order.

**I. Good Cause Exists for Sealing the Documents**

Although “the default rule is that all papers filed in an *inter partes* review are open and available for access by the public,” a party may file a motion to seal confidential information that is protected from disclosure. *Garmin v. Cuozzo*, IPR2012-00001, Paper No. 34 (PTAB March 14, 2013). “The standard for granting a motion to seal is ‘for good cause.’” *Id.* (quoting 37 C.F.R § 42.54). The Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48760 (Aug. 14, 2012), states that the “rules identify confidential information in a manner

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<sup>1</sup> The Board entered the stipulated Modified Default Standing Protective Order on December 1, 2017. (Paper 17 at 3.)

consistent with Federal Rule of Civil Procedure (“FRCP”) 26(c)(1)(G), which provides for protective orders for trade secret or other confidential research, development, or commercial information.”

Petitioner is filing Exhibit Nos. 1139-1142 under seal. These documents are deposition transcripts of Patent Owner’s witnesses, which Patent Owner has designated as “PROTECTIVE ORDER MATERIAL” pursuant to the Modified Default Standing Protective Order entered by the Board (Ex. 2030, *see supra* n.1). Petitioner is also filing portions of Petitioner’s Reply and Exhibit No. 1143 under seal, as both documents specifically rely on and quote Exhibit Nos. 1139-1142. Redacted versions of Petitioner’s Reply and Exhibit No. 1143 have been publically filed. Based on Patent Owner’s designations, there is good cause to seal the designated information.

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

The parties have conferred and Patent Owner does not oppose this motion.

THEREFORE, Petitioner respectfully requests that the Board grant this Motion to Seal.

Dated: May 25, 2018

Respectfully submitted,

/Cynthia Lambert Hardman

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## CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 25<sup>th</sup> day of May, 2018, I caused a copy of this PETITIONER CELLTRION'S MOTION TO SEAL by email on the lead and back up counsel for Patent Owners at:

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