

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CELLTRION, INC.,
Petitioner,

v.

GENENTECH, INC.,
Patent Owner.

Case IPR2017-01373 (Patent 6,407,213 B1)
Case IPR2017-01374 (Patent 6,407,213 B1)¹

Before SHERIDAN K. SNEDDEN, ZHENYU YANG, and
ROBERT A. POLLOCK, *Administrative Patent Judges*.

YANG, *Administrative Patent Judge*.

DECISION
Patent Owner's Motion to Seal
37 C.F.R. § 42.14

¹ This order addresses issues that are common to each referenced case. We, therefore, issue a single order that has been entered in each case. For convenience, paper numbers refer to those filed in IPR2017-01373.

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Genentech, Inc. (“Patent Owner”) filed a Motion to Seal Exhibits 2001–2018. Paper 8, 1. Patent Owner’s Motion is granted.

Exhibits 2001–2009 are Genentech’s laboratory notebooks or excerpts of laboratory notebooks. Exhibits 2010–2015 are internal communications relating to research conducted at Genentech. Patent Owner asserts that these documents contain confidential research and development information under Federal Rule of Civil Procedure 26(c)(1)(G). Paper 8, 3. In addition, according to Patent Owner, “Exhibits 2016–2018 are declarations by three Genentech scientists pertaining to confidential research and development activities related to the invention described and claimed” in the challenged patent. *Id.* at 3–4. Patent Owner has filed a redacted version of each of Exhibits 2016–2018.

Patent Owner represents that the parties have agreed to the provisions of a modified version of the default Protective Order set forth in the Office Patent Trial Practice Guide (Ex. 2030). Paper 8, 2. The Modified Default Standing Protective Order excludes the parties, other than in-house counsel (including patent agents), from accessing confidential information in the referenced proceedings. Ex. 2031, 1.

Upon considering the content of Exhibits 2001–2018, along with Patent Owner’s representations as to the confidentiality of the information, we determine that Patent Owner has shown good cause for sealing Exhibits 2001–2015 and the redacted portions of Exhibits 2016–2018.

The record of this proceeding shall be preserved in its entirety and the sealed documents will not be expunged or made public, pending the outcome of any appeal taken from the Final Decision. At the conclusion of

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any appeal or, if no appeal is taken, after the time for filing a notice of appeal has expired, the documents may be made public. *See* Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,761 (Aug. 14, 2012). At that time, either party may file a motion to expunge the sealed documents from the record pursuant to 37 C.F.R. § 42.56.

Accordingly, it is

ORDERED that Patent Owner's Motion to Seal is GRANTED;

FURTHER ORDERED that Modified Default Standing Protective Order (Exhibit 2030) is hereby entered; and

FURTHER ORDERED that this Protective Order shall govern the conduct of the proceedings unless otherwise modified.

PETITIONER:

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