

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Celltrion, Inc.
Petitioner,

v.

Genentech, Inc.
Patent Owner

Patent No. 6,407,213

Inter Partes Review No. IPR2017-01374

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 portions of Petitioner Celltrion’s Motion to Exclude Evidence, filed herewith. The portions of Petitioner Celltrion’s Motion to Exclude Evidence 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 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 portions of Petitioner Celltrion’s Motion to Exclude Evidence under seal, as it specifically relies on and describes Exhibits that Patent Owner has designated as “PROTECTIVE ORDER MATERIAL” pursuant to the

Modified Default Standing Protective Order entered by the Board (Paper 14 at 3; Ex. 2030). A redacted version of Petitioner Celltrion's Motion to Exclude Evidence has been publicly 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: June 22, 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 22th day of June, 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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