

Filed on behalf of Patent Owner Genentech, Inc. by:

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PFIZER, INC. AND
SAMSUNG BIOEPIS CO., LTD.
Petitioners,

v.

GENENTECH, INC.,
Patent Owner.

Case IPR2017-01488
Patent 6,407,213

PATENT OWNER'S MOTION TO SEAL

STATEMENT OF PRECISE RELIEF REQUESTED

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Patent Owner Genentech, Inc. respectfully requests that the Board seal the Patent Owner's Response.

REASONS FOR RELIEF REQUESTED

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 with the Board to seal confidential information that is protected from disclosure. *Garmin v. Cuozzo*, IPR2012-00001, Paper No. 36. “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.”

The parties have conferred and agreed to the provisions of the Modified Default Standing Protective Order set forth in Exhibit 2030, and have stipulated to be bound to the terms set forth therein. Exhibit 2031 shows the proposed modifications from the Default Standing Protective Order, to which the parties have stipulated, in redline. The Modified Default Standing Protective Order provides:

Where confidentiality is alleged as to some but not all of the information submitted to the Board, the submitting party shall file confidential and non-confidential versions of its submission, together with a Motion to Seal the confidential version setting forth the reasons why the information redacted from the non-confidential version is confidential and should not be made available to the public. The nonconfidential version of the submission shall clearly indicate the locations of information that has been redacted. The confidential version of the submission shall be filed under seal. The redacted information shall remain under seal unless, upon motion of a party and after a hearing on the issue, or *sua sponte*, the Board determines that some or all of the redacted information does not qualify for confidential treatment.

(Ex. 2030, Modified Default Standing Protective Order and Patent Owner's Certification of Agreement to Terms, at 3-4.)

Patent Owner has filed its Patent Owner's Response under seal, as well as a publicly-available redacted version of its Response. The redacted portions of Patent Owner's Response contain confidential research and development activities conducted by scientists at Genentech, and are therefore "confidential research [and] development . . . information" pursuant to FRCP 26(c)(1)(G).

Patent Owner therefore respectfully requests that its Patent Owner's
Response remain under seal pursuant to the Proposed Modified Default Standing
Protective Order.

Date: March 8, 2018

Respectfully submitted,

/David L. Cavanaugh/
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