

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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PFIZER, INC.,  
Petitioner,

v.

GENENTECH, INC.,  
Patent Owner.

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Case IPR2017-01488  
Case IPR2017-01489<sup>1</sup>  
Patent 6,407,213 B1

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

POLLOCK, *Administrative Patent Judge*.

DECISION  
Grant of Patent Owner's Motion to Seal and  
Entry of Stipulated Protective Order  
*37 C.F.R. §§ 42.5 and 42.54*

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<sup>1</sup> This Decision addresses the same issue in the above-identified matters. Therefore, we issue one Decision to be filed in both cases. The parties are not authorized to use this style heading for any papers.

IPR2017-01488, IPR2017-01489  
Patent 6,407,213 B1

Patent Owner filed a motion to seal Exhibits 2001 through 2018 in IPR2017-01488, Paper 8; IPR2017-01489, Paper 6. As the time for Petitioner to respond has passed, we deem the motion unopposed. *See* 37 C.F.R. § 42.25.

A. Exhibits 2001 through 2018

There is a strong public policy that favors making information filed in an *inter partes* review open to the public. *Garmin Int'l v. Cuozzo Speed Techs., LLC*, IPR2012-00001, slip op. at 1–2 (PTAB Mar. 14, 2013) (Paper 34). For this reason, except as otherwise ordered, the record of an *inter partes* review trial shall be made available to the public. *See* 35 U.S.C. § 316(a)(1); 37 C.F.R. § 42.14.

The standard for granting a motion to seal is good cause. 37 C.F.R. § 42.54. That standard includes showing that the information addressed in the motion to seal is truly confidential, and that such confidentiality outweighs the strong public interest in having the record open to the public. *See Garmin*, slip op. at 2–3.

Patent Owner contends that Exhibits 2001 through 2018 contain confidential research and development information pursuant to FRCP 26(c)(1)(G). We agree. Accordingly, we find good cause for granting the motion.

We further note that the record of this proceeding shall be preserved in its entirety and that 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 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.

#### B. Stipulated Protective Order

As part of its motion, Patent Owner submitted a proposed stipulated protective order. Paper 8<sup>2</sup>, 2–3; Ex. 2030. The parties have also identified how the proposed stipulated protective order departs from the Board’s default order appearing in the Trial Practice Guide. Paper 8, 2–3; Ex. 2031. We find that the parties have shown sufficiently good cause for the proposed modifications from the Board’s default protective order and that the proposed Stipulated Protective Order is warranted.

In consideration of the foregoing, it is therefore:

**ORDERED** that Patent Owner’s motion to seal Exhibits 2001 through 2018 is granted;

**FURTHER ORDERED** that the unopposed motion for entry of a proposed stipulated protective order is granted;

**FURTHER ORDERED** that the proposed stipulated protective order (Ex. 2030) agreed to by the parties is hereby entered;

**FURTHER ORDERED** that this protective order shall govern the conduct of the proceeding unless otherwise modified.

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<sup>2</sup> Paper numbers refer to the record in IPR2017-01488.

IPR2017-01488, IPR2017-01489  
Patent 6,407,213 B1

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