

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMNEAL PHARMACEUTICALS LLC AND AMNEAL
PHARMACEUTICALS OF NEW YORK, LLC and MYLAN
PHARMACEUTICALS INC.,
Petitioners,

v.

ALMIRALL, LLC,
Patent Owner.

Case IPR2019-00207¹
Patent 9,517,219 B2

**PETITIONERS' COMBINED MOTION TO SEAL AND
ENTER DEFAULT PROTECTIVE ORDER**

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

¹ Cases IPR2019-00207 and IPR2019-01095 have been joined in this proceedings.

TABLE OF CONTENTS

I.	Relief Requested.....	1
II.	Motion to Seal.....	1
III.	Conclusion	2

Pursuant to 37 C.F.R. §§ 42.14 and 42.55, Petitioners hereby move to seal Exhibit AMN1078 and portions of Petitioners' January 24, 2020 additional briefing authorized by the Board. For this purpose, and only as ultimately deemed necessary, Petitioner requests entry of the Default Protective Order as set forth in Appendix B of the Office Patent Trial Practice Guide.

I. Relief Requested

The parties have previously conferred and agreed upon the entry of the Default Protective Order of this Board (Appendix B of the Consolidated Trial Practice Guide (November 2019)).

II. Motion to Seal

Good cause exists for sealing Exhibit AMN1078 and portions of Petitioners' January 24, 2020 additional briefing authorized by the Board. *See* Paper 39 at 9. The Board may issue this order "for good cause." 37 C.F.R. § 42.54. For good cause, the Board needs to know why information sought to be sealed constitutes confidential information. *Garmin Int'l, Inc. v. Cuozzo Speed Techs. LLC*, IPR2012-00001, Paper 36, Decision on Revised Mot. to Seal, p. 4 (P.T.A.B. Apr. 5, 2013). The Board then balances the needs in protecting the information against the public's interest in maintaining a complete and understandable file history. *Id.* at 8. In this case, Exhibit AMN1078 is the deposition transcript of co-inventor Dr. Kevin Warner, which was conducted as part of a related district court action, *Almirall LLC v. Taro Pharmas. Indus. Ltd.*, 17-663 (D. Del.) involving the '219

Case IPR2019-00207

Patent No. 9,517,219 B2

patent challenged in this IPR proceeding. Counsel for Patent Owner has represented to us that the deposition transcript contains confidential information and should be sealed. *See* AMN1079. Counsel for Petitioners sought clarification from counsel for Patent Owner before this filing to determine what portions of the AMN1078 are confidential, but did not receive a response. Consequently, and out of an abundance of caution, Petitioners filed a public version of Exhibit AMN1078 that is almost entirely redacted.

Additionally, portions of Petitioners' January 24, 2020 additional briefing authorized by the Board reference testimony from Dr. Warner's confidential deposition transcript. Petitioners filed a redacted version containing narrow redactions to only the confidential material. These redactions maintain what Patent Owner believes to be confidential, yet provides the public access to the remaining portions of Petitioners' brief. Accordingly, good cause exists to seal Exhibit AMN1078 and portions of Petitioners' January 24, 2020 additional briefing authorized by the Board.

III. Conclusion

For the reasons stated above, Petitioners respectfully request that this Motion to Seal be granted. To the extent the Board has questions about the redactions, Petitioners respectively request that the Board direct any such questions to Patent Owner.

Case IPR2019-00207
Patent No. 9,517,219 B2

Respectfully submitted,
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C



Date: January 24, 2020
1100 New York Avenue, N.W.
Washington, D.C. 20005-3934

Dennies Varughese, Pharm.D.
Registration No. 61,868
Lead Attorney for Petitioners

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.