

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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RTI SURGICAL, INC.,  
Petitioner,

v.

LIFENET HEALTH,  
Patent Owner.

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IPR2019-00569 (Patent 6,458,158 B1)  
IPR2019-00570 (Patent 8,182,532 B2)<sup>1</sup>

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Before GEORGE R. HOSKINS, TIMOTHY J. GOODSON, and  
CHRISTOPHER C. KENNEDY, *Administrative Patent Judges*.

GOODSON, *Administrative Patent Judge*.

ORDER

Granting Petitioner's Motion to Seal Exhibit 1046  
Granting Patent Owner's Motion to Seal Exhibit 2094  
*37 C.F.R. §§ 42.14 and 42.54*

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<sup>1</sup> This order is being filed in each proceeding listed in the caption. The parties may use this style caption only if the paper includes a statement certifying that the identical paper is being filed in each proceeding listed in the caption

IPR2019-00569 (Patent 6,458,158 B1)  
IPR2019-00570 (Patent 8,182,532 B2)

In both of the above-captioned proceedings, Petitioner has filed a Motion to Seal Exhibit 1046. *See* '569 IPR, Paper 63 (“Pet. Mot.”); '570 IPR, Paper 60. In addition, in both proceedings, Patent Owner has filed a Motion to Seal Exhibit 2094. *See* '569 IPR, Paper 69 (“PO Mot.”); '570 IPR, Paper 67. Because the motions indicate that word-for-word identical papers were filed in the two subject proceedings, we cite only to the record of the '569 IPR.

*A. Petitioner’s Motion to Seal Exhibit 1046*

Petitioner’s Motion requests that we seal Exhibit 1046, which is the transcript of a conference call between the Board and counsel for the parties discussing the parameters of the deposition of John Bianchi. Pet. Mot. 1. Petitioner asserts that “the transcript contains confidential, personal information pertaining to third party Mr. Bianchi.” *Id.* Petitioner has filed a redacted, non-confidential version of the transcript as Exhibit 1047. We are satisfied that the redactions are tailored to protect information that can reasonably be regarded as personal and confidential to Mr. Bianchi. Accordingly, we determine that good cause exists for granting Petitioner’s Motion.

*B. Patent Owner’s Motion to Seal Exhibit 2094*

Patent Owner’s Motion requests that we seal Exhibit 2094, which is the collection of demonstratives it prepared for the hearing in these proceedings. PO Mot. 1. Slide 151 of those demonstratives includes sales information that was sealed by a previous order in these proceedings. *Id.* In Exhibit 2095, Patent Owner has filed a redacted, non-confidential version of its demonstratives in which only slide 151 is redacted. We determine that good cause exists for granting Patent Owner’s Motion.

IPR2019-00569 (Patent 6,458,158 B1)

IPR2019-00570 (Patent 8,182,532 B2)

*C. Order*

In consideration of the foregoing, it is hereby:

ORDERED that Petitioner's Motion to Seal Exhibit 1046 ('569 IPR, Paper 63; '570 IPR, Paper 60) is *granted*;

FURTHER ORDERED that Patent Owner's Motion to Seal Exhibit 2094 ('569 IPR, Paper 69; '570 IPR, Paper 67) is *granted*;

FURTHER ORDERED that Exhibits 1046 and 2094 shall remain sealed and designated as "Board and Parties Only" until further notice.

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IPR2019-00570 (Patent 8,182,532 B2)

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