

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

MEDTRONIC, INC., AND MEDTRONIC VASCULAR, INC.

Petitioners,

v.

TELEFLEX INNOVATIONS S.À.R.L.,

Patent Owner.

---

Case No.: IPR2020-00127  
U.S. Patent No. 8,048,032

---

**PETITIONERS' UNOPPOSED MOTION TO FILE UNDER SEAL**

---

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Petitioners submit this Unopposed Motion to File Under Seal, requesting that the following information and documents remain sealed: portions of Petitioners' Reply to Patent Owner's Response, portions of Exhibit 1755, 1806, 1807, and 1830 (Declarations of Stephen Jon David Brecker, Mike Jones, and Paul Zalesky), and Exhibits 1114, 1819, and 1821-1823. Petitioners file the under-seal version of Petitioners' Reply, the under-seal version of Exhibits 1114, 1819, and 1821-1823, and the Declarations of Stephen Jon David Brecker, Mike Jones, and Paul Zalesky with this motion.

Petitioners conferred with Patent Owner, and Patent Owner does not oppose this motion.

In conjunction with Patent Owner's Preliminary Responses, Petitioners and Patent Owner agreed to and submitted a stipulated Joint Protective Order. Petitioners request that the Board enter that stipulated Joint Protective Order in the above-captioned cases to govern treatment of the information and documents identified herein.

## **I. Good Cause**

For good cause, the Board may "issue an order to protect a party or person from disclosing confidential information." 37 C.F.R. § 42.54(a). "The rules identify confidential information in a manner consistent with Federal Rule of Civil

Procedure 26(c)(1)(G), which provides for protective orders for trade secret or other confidential research, development, or commercial information.” Patent Trial and Appeal Board Consolidated Trial Practice Guide, at 19 (Nov. 2019 ed.).

The documents subject to this motion contain confidential information and, thus, qualify for protection, and for the reasons explained below, there is good cause to keep the documents sealed.

**A. Under-Seal Version of Petitioners’ Reply**

Petitioners file an under-seal version of Petitioners’ Reply to Patent Owner’s Response and a public, redacted version of that Reply. The redacted portions discuss Patent Owner’s confidential information, specifically, information related to Patent Owner’s product development, product design, marketing, and related efforts and strategies. Patent Owner has designated this information as confidential under the protective order governing the parallel district court litigation in the United States District Court for the District of Minnesota. This information qualifies as “confidential information” under the Trial Practice Guide.

Because Patent Owner has designated this information as confidential under the district court protective order, it appears that there is good cause to keep the redacted information under seal. Presumably, publicly revealing the information that Patent Owner has designated as confidential could put Patent Owner at a competitive disadvantage in the marketplace.

**B. Under-Seal Version of Exhibits 1755, 1806, 1807, and 1830 (Declarations of Stephen Jon David Brecker, Mike Jones, and Paul Zalesky)**

Petitioners file under-seal versions of Exhibits 1755, 1806, 1806, and 1830 and public, redacted versions of those exhibits. The redacted portions discuss Patent Owner’s confidential information, specifically, information related to Patent Owner’s product development, product design, marketing, and related efforts and strategies, as well as deposition testimony regarding the same. Patent Owner has designated this information as confidential under the protective order governing the parallel district court litigation in the United States District Court for the District of Minnesota. This information qualifies as “confidential information” under the Trial Practice Guide.

Because Patent Owner has designated this information as confidential under the district court protective order, it appears that there is good cause to keep the redacted information under seal. Presumably, publicly revealing the information that Patent Owner has designated as confidential could put Patent Owner at a competitive disadvantage in the marketplace.

**C. Exhibits 1114, 1819, and 1821-1823: Patent Owner Confidential Documents**

Exhibits 1114, 1819, and 1821-1823, filed under seal, are documents produced and designated confidential under the protective order by Patent Owner

in the parallel district court litigation in the United States District Court for the District of Minnesota. These documents describe Patent Owner's product development, product design, marketing, and related efforts and strategies.

Because Patent Owner has designated these documents as confidential under the district court protective order, it appears that there is good cause to keep these documents under seal. Presumably, publicly revealing the information that Patent Owner has designated as confidential could put Patent Owner at a competitive disadvantage in the marketplace.

## **II. Certification of Conference**

Pursuant to 37 C.F.R. §§ 42.54(a), Petitioners certify that they, in good faith, conferred with Patent Owner. Patent Owner does not oppose this motion. Both Petitioners and Patent Owner agree to abide by the parties' stipulated Protective Order pending a decision by the Board on the motion for entry thereof.

## **III. Request for Conference Call with the Board**

Should the Board not be inclined to grant this Unopposed Motion to File Under Seal, Petitioners request a conference call with the Board to discuss any concerns prior to the Board issuing a decision on the motion.

## **IV. Conclusion**

Petitioners respectfully request that the Board grant this Unopposed Motion to File Under Seal and keep the following information and documents under seal:

# 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.