

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDTRONIC, INC., AND MEDTRONIC VASCULAR, INC.
Petitioners,

v.

TELEFLEX INNOVATIONS S.A.R.L.
Patent Owner.

Case IPR2020-00128
Patent RE 45,380

**PATENT OWNER'S UNOPPOSED MOTION TO FILE UNDER SEAL
PURSUANT TO 37 C.F.R. §§ 42.14 AND 42.54**

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Patent Owner respectfully submits this Patent Owner's Unopposed Motion to File Under Seal, requesting that the following information remain under seal: the redacted portions of Patent Owner's Demonstratives for Hearing, namely slides: 256, 262-63, 274, and 276-78. The under-seal version of Patent Owner's Demonstratives for Hearing is being filed concurrently with this motion.

Patent Owner has conferred with Petitioner, and Petitioner does not oppose this motion to seal; the information that is the subject of this motion is information that Petitioner and Patent Owner have designated as confidential.

In conjunction with the Patent Owner's Preliminary Responses, Patent Owner and Petitioner agreed to and submitted a stipulated Joint Protective Order. Patent Owner respectfully requests that the Board enter that stipulated Joint Protective order in the above-captioned case to govern treatment of the documents and information 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. 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 (“TPG”), at 19 (Nov. 2019 ed.).

Each of the documents subject to this motion meets this standard, and for the reasons explained herein there is good cause for why these documents should remain under seal.

A. Under-Seal Version of Patent Owner Demonstratives for Hearing

Patent Owner has filed an under-seal version of Patent Owner’s Demonstratives and a public, redacted version. The redacted slides 256, 274, and 276-78 contain information that Petitioner has contended is confidential research, development, and testing information related to its products, regulatory communications, and marketing. Petitioner has designated this information as confidential under the protective order in the parallel district court case *Vascular Solutions, LLC, et al v. Medtronic, Inc. et al.*, 0:19-cv-01760 PJS-TNL (D. Minn.).

Because Petitioner has designated this information as confidential under the protective order in the parallel district court case, it appears that there is good cause to keep the redacted information under seal.

The redacted slides 262-63 contain information that Patent Owner has contended contain confidential commercial information relating to revenue and units sold. There is likewise good cause for keeping this information under seal.

Publicly revealing the commercially sensitive information noted above would put Patent Owner at a competitive disadvantage in the marketplace.

II. Certification of Conference

Pursuant to 37 C.F.R. § 42.54(a), Patent Owner certifies that it has in good faith conferred with Petitioners' counsel. Petitioners' counsel does not oppose this motion to seal.

Both Petitioner 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. Conclusion

Patent Owner respectfully requests that the Board grant this Unopposed Motion to File Under Seal, and keep the following documents under seal: Patent Owner Demonstratives for Hearing.

Dated: March 4, 2021

Respectfully submitted,

/ J. Derek Vandenburg /

J. Derek Vandenburg (Lead Counsel)

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Lead Counsel for Patent Owner

CERTIFICATION OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e) and the agreement of the parties, the undersigned certifies that on March 4, 2021, a true and correct copy of the foregoing *PATENT OWNER'S UNOPPOSED MOTION TO FILE UNDER SEAL PURSUANT TO 37 C.F.R. §§ 42.14 AND 42.54* was served via electronic mail upon the following:

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