

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.

IPR2020-00135
Patent RE45,776 E

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: the Board’s Final Written Decision (Paper 126, dated June 7, 2021), filed under seal.

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

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 the Board’s Final Written Decision

Petitioners file an under-seal version of the Board’s Final Written Decision and a public, redacted version of that Final Written Decision. 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.

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.

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: the Board’s Final Written Decision (Paper 126, dated June 7, 2021), filed under seal.

Dated: September 27, 2021

Respectfully submitted,

/Cyrus A. Morton/

Cyrus A. Morton

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Attorney for Petitioners

CERTIFICATE OF SERVICE

I certify that on September 27, 2021, a copy of PETITIONERS' UNOPPOSED MOTION TO FILE UNDER SEAL was served in its entirety by electronic mail on Patent Owner's counsel at the following addresses indicated in Patent Owner's Mandatory Notices:

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Respectfully submitted,

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