

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

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

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Case IPR2020-00136  
Patent RE 45,776

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**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 document remain under seal: Exhibit 2221. This document is being filed concurrently with this motion.

Patent Owner has conferred with the Petitioner, and the Petitioner does not oppose this motion to seal.

In conjunction with the Patent Owner's Preliminary Responses, the 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." Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48760 (Aug. 14, 2012).

Exhibit 2221 meets this standard as it has been designated as confidential in the parallel District of Minnesota litigation (*Vascular Sols. LLC v. Medtronic, Inc.*,

0:19-cv-1760-PJS-TNL, (D. Minn.)). The unredacted portions of this document contain confidential information concerning Patent Owner's business, pricing, and marketing strategy. Irrelevant information has been redacted. The redacted portions also contain confidential business information. Publicly revealing this sensitive, competitive information would put Patent Owner at a 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.

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

Should the Board not be inclined to grant the present Unopposed Motion to File Under Seal, Patent Owner hereby requests a conference call with the Board to discuss any concerns prior to the Board issuing a decision on the Motion.

## **IV. Conclusion**

Patent Owner respectfully requests that the Board grant this Unopposed Motion to File Under Seal, and keep the following document under seal: Exhibit 2221.

Dated: November 24, 2020.

Respectfully submitted,

/ J. Derek Vandenburg /

J. Derek Vandenburg (Lead Counsel)

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**CERTIFICATION OF SERVICE**

Pursuant to 37 C.F.R. § 42.6(e) and the agreement of the parties, the undersigned certifies that on November 24, 2020, 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:

Cyrus A. Morton (Reg. No. 44,954)  
Sharon Roberg-Perez (Reg. No. 69,600)  
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*/J. Derek Vandenburg/*  
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J. Derek Vandenburg (Lead Counsel)