

Filed: December 14, 2020

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN INSTITUTIONAL LLC and PFIZER INC.,

Petitioners,

v.

NOVO NORDISK A/S,

Patent Owner.

Case No. IPR2020-00324¹

U.S. Patent No. 8,114,833

PETITIONER'S MOTION TO SEAL

¹ IPR2020-01252 has been joined with this proceeding.

On September 18, 2020, Patent Owner filed its Patent Owner Response (Paper No. 20) accompanied by a motion to seal (Paper No. 22), explaining that the Patent Owner Response and certain Exhibits disclosed confidential information. The motion to seal explained Patent Owner's position as to why good cause exists to seal certain Exhibits and portions of the Patent Owner Response. During deposition of Patent Owner's declarants, the deposition transcripts were marked as confidential under the proposed protective order accompany Patent Owner's motion to seal. *See Exs. 1077-1079.*

Petitioner has filed concurrently with this motion filed sealed versions of Exhibits 1077-1070 and 1106 and *Petitioner's Reply In Support Of Petition For Inter Partes Review Of U.S. Patent No. 8,114,833* ("Reply") as these Exhibits and the Reply discuss material designated as "CONFIDENTIAL - PROTECTIVE ORDER MATERIAL" by Patent Owner. Petitioner submits that good cause exists for placing the Exhibits and corresponding portions of the Reply under seal because Patent Owner has contended this information should be sealed according to the reasons set forth in Paper No. 22. Petitioner takes no position as to the whether the underlying information satisfies the Board's requirements for filing under seal, as it is Patent Owner that has asserted the confidentiality of these exhibits.

For the above reasons, Petitioner requests that Exhibits 1077-1079 and 1106 and the Reply be placed and maintained under seal. Petitioner will file redacted versions of these Exhibits and the Reply shortly hereafter after conferring with Patent Owner. For the foregoing reasons, Petitioner respectfully requests that the Board grant this motion to seal and for entry of a protective order.

Dated: December 14, 2020

/s/ *Brandon M. White*

Brandon M. White

Reg. No. 52,354

*Counsel for Petitioner Mylan
Institutional LLC*

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that I caused to be served a true and correct copy of the foregoing: *Petitioner's Motion to Seal* by email to the electronic service addresses for Patent Owner and Petitioner Pfizer Inc.:

Jeffrey Oelke
Laura T. Moran
Ryan P. Johnson
FENWICK & WEST LLP
joelke@fenwick.com
laura.moran@fenwick.com
ryan.johnson@fenwick.com
Novo833IPR@fenwick.com

Counsel for Patent Owner

Jovial Wong
Charles B. Klein
Sharon Lin
WINSTON & STRAWN
PfizerIPRs@winston.com

Counsel for Petitioner Pfizer Inc.

Dated: December 14, 2020

/s/ Brandon M. White

Brandon M. White

Reg. No. 52,354

*Counsel for Petitioner Mylan
Institutional LLC*