

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 IPR2020-00324¹
Patent 8,114,833

PATENT OWNER'S MOTION TO SEAL

¹ IPR2020-01252 has been joined with this proceeding.

Patent Owner Novo Nordisk A/S (“Novo Nordisk”) hereby moves to seal its Patent Owner Sur-Reply (the “Sur-Reply”) and the January 21, 2021 deposition transcript of Dr. Laird Forrest (Exhibit 2096) submitted with the Sur-Reply as described herein.

On September 18, 2020, Novo Nordisk filed a motion to seal (Paper No. 22), explaining that the Patent Owner Response and certain Exhibits disclosed Novo Nordisk’s confidential information. The motion to seal explained Novo Nordisk’s position as to why good cause exists to seal certain Exhibits and portions of the Patent Owner Response. The motion to seal was further accompanied by a proposed Protective Order (Paper No. 22).

The Sur-Reply and Exhibit 2096 have been marked as confidential under the proposed Protective Order (Paper No. 22), and Novo Nordisk has filed concurrently with this motion sealed versions of each, as they discuss material designated as “CONFIDENTIAL – PROTECTIVE ORDER MATERIAL” by Novo Nordisk. Novo Nordisk has also, concurrently with this Motion, filed redacted, non-confidential versions of both Exhibit 2096 and the Sur-Reply, which Novo Nordisk consents may be made available on the public docket. Novo Nordisk is serving Petitioners Mylan Institutional LLC (“Mylan”) and Pfizer Inc., concurrently with this Motion, copies of all Papers and Exhibits being filed today, including those

under seal, as well as redacted, non-confidential versions of the Sur-Reply and Exhibit 2096.

Novo Nordisk submits that good cause exists for placing portions of Exhibit 2096 and the Sur-Reply under seal for all of the reasons set forth by Novo Nordisk in Paper No. 22, including that both Exhibit 2096 and the Sur-Reply contain confidential, non-public research and development information in the form of proprietary clinical and scientific data. *See* Paper No. 22 at 2-3.

Novo Nordisk and Mylan have discussed this Motion, and Mylan does not oppose this Motion.

For the foregoing reasons, Novo Nordisk respectfully requests that the Board grant this motion to seal Exhibit 2096 and the Sur-Reply.

Dated: January 29, 2021

Respectfully submitted,

/Jeffrey J. Oelke/ (Electronically signed)
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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on January 29, 2021, the foregoing document is being served by filing this document through the Patent Trial and Appeal Board End to End System, as well as by delivering a copy via electronic mail upon the following counsel of record for the Petitioner:

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