

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDTRONIC, INC., AND MEDTRONIC VASCULAR, INC.
Petitioner,

v.

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

Case IPR2020-01341
Patent 8,142,413

**PATENT OWNER'S UNOPPOSED MOTION FOR CONTINUED
SEALING 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 for Continued Sealing, requesting that the following information remain under seal: portions of Petitioner's Motion for Additional Discovery: Motion for Leave to Subpoena Non-Party Witnesses, Petitioner's Reply, Petitioner's Opposition to Patent Owner's Contingent Motion to Amend, and Exhibits 1755, 1758, 1760, 1761, 1765, 1767, 1768, 1769, 1770, 1774, 1775, 1806, 1821, 1822, 1830, 1847, 1850, and 1851. The under-seal version of Petitioner's Motion for Additional Discovery, along with Exhibits 1758, 1760, 1761, 1768, and 1774, were filed by Petitioner on July 1, 2021; the under-seal versions of Petitioner's Reply, Petitioner's Opposition to Patent Owner's Contingent Motion to Amend, and Exhibits 1755, 1765, 1767, 1769, 1770, 1775, 1806, 1821, 1822, 1830, 1847, 1850, and 1851 were filed on August 6, 2021.

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, 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).

Each of the sets of information below meets this standard, and for the reasons explained there is good cause for why those documents should remain under seal.

A. Under-Seal Version of Petitioner’s Motion for Additional Discovery: Motion for Leave to Subpoena Non-Party Witnesses

Petitioner has filed under-seal its Petitioner’s Motion for Additional Discovery: Motion for Leave to Subpoena Non-Party Witnesses, as well as a public, redacted version of this Paper. The redacted portions on pages 4, 5, and 6 of Petitioner’s Motion for Additional Discovery contain confidential Patent Owner research, development, and testing information. Patent Owner 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.).

All of this information fits squarely within the kinds of information that the Trial Practice guide considers to be “confidential information,” such as “confidential research, development, or commercial information.” 77 Fed. Reg. 48756, 48760.

There is good cause for keeping the redacted information contained in Petitioner’s Motion for Additional Discovery: Motion for Leave to Subpoena Non-Party Witnesses under seal. Publicly revealing the sensitive, competitive information could put the parties at a disadvantage in the marketplace. Additionally, Petitioner does not oppose this information remaining under seal.

B. Under-Seal Version of Petitioner’s Reply

Petitioner has filed under-seal its Petitioner’s Reply, as well as a public, redacted version of this Paper. The redacted portions on pages 10, 24-26, 34-35, and 39-40 of Petitioner’s Reply contain confidential Patent Owner information related to the development of Patent Owner’s GuideLiner products. Patent Owner 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.).

All of this information fits squarely within the kinds of information that the Trial Practice guide considers to be “confidential information,” such as

“confidential research, development, or commercial information.” 77 Fed. Reg. 48756, 48760.

There is good cause for keeping the redacted information contained in Petitioner’s Reply under seal. Publicly revealing the sensitive, competitive information could put the parties at a disadvantage in the marketplace.

Additionally, Petitioner does not oppose this information remaining under seal.

C. Under-Seal Version of Petitioner’s Opposition to Patent Owner’s Contingent Motion to Amend

Petitioner has filed under-seal its Petitioner’s Opposition to Patent Owner’s Contingent Motion to Amend, as well as a public, redacted version of this Paper. The redacted portions on pages 20 and 25 of Petitioner’s Opposition to Patent Owner’s Contingent Motion to Amend contain confidential Patent Owner information related to the development of Patent Owner’s GuideLiner products. Patent Owner 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.).

All of this information fits squarely within the kinds of information that the Trial Practice guide considers to be “confidential information,” such as “confidential research, development, or commercial information.” 77 Fed. Reg. 48756, 48760.

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