

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

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

v.

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

---

Case IPR2020-01341  
Patent 8,142,413

---

**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 information remain under seal: portions of Patent Owner's Response, portions of Patent Owner's Request for Preliminary Guidance on Contingent Motion to Amend U.S. Patent No. 8,142,413 Under 37 C.F.R. § 42.121, and Exhibits 2058, 2139, 2140, 2141, 2153, and 2154 filed therewith. The under-seal version of the Patent Owner Response and Patent Owner's Request for Preliminary Guidance on Contingent Motion to Amend U.S. Patent No. 8,142,413 Under 37 C.F.R. § 42.121, along with the identified under-seal exhibits, are being filed concurrently with this motion.

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

The Patent Owner and Petitioner have agreed to a stipulated Joint Protective Order attached hereto as Appendix A. 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 Patent Owner’s Response and Request for Preliminary Guidance on Contingent Motion to Amend**

Patent Owner has filed under-seal its Patent Owner Response and Patent Owner’s Request for Preliminary Guidance on Contingent Motion to Amend U.S. Patent No. 8,142,413 Under 37 C.F.R. § 42.121, as well as public, redacted versions of both Papers. The redacted portions on pages 52, 54, and 57 of the Patent Owner Response and page 22 of Patent Owner’s Request for Preliminary Guidance on Contingent Motion to Amend U.S. Patent No. 8,142,413 Under 37 C.F.R. § 42.121 contain confidential Patent Owner sales data regarding GuideLiner revenue and units sold, as well as reflect licensing strategy. The remaining redacted portions reflect information that Petitioner Medtronic has designated as confidential under the district court protective order governing the parties in parallel litigation in the District of Minnesota.

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 Patent Owner’s Response under seal. Publicly revealing the sensitive, competitive information could put the parties at a disadvantage in the marketplace.

**B. Exhibit 2058: Confidential Presentation**

Exhibit 2058, filed under seal, is a Vascular Solutions PowerPoint. This presentation reflects commercially sensitive discussions with a competitor, and includes commercially sensitive financial information regarding Patent Owner’s business. This information fits squarely within the kinds of information that the Trial Practice guide considers to be “confidential information,” such as “confidential . . . commercial information.” 77 Fed. Reg. 48756, 48760.

There is good cause for keeping Exhibit 2058 under seal. Publicly revealing the commercially sensitive discussions and Patent Owner’s commercially sensitive financial information could put Patent Owner (and possibly a competitor) at a competitive disadvantage in the marketplace. Additionally, Petitioners do not oppose this information remaining under seal.

**C. Exhibits 2139-2141: Engineering Drawings**

Exhibits 2139, 2140, and 2141, filed as protective order material, are documents that were designated confidential in the case of *QXMédical, LLC v.*

*Vascular Solutions, LLC, et al.*, 0:17-cv-01969-PJS-TNL (D. Minn.). These documents contain confidential information about Patent Owner’s product design and manufacture specifications. 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 Patent Owner’s confidential product design and manufacture specifications under seal. Publicly revealing the sensitive, competitive information would put Patent Owner at a disadvantage in the marketplace.

**D. Exhibit 2153: Under Seal Declaration of Steve Jagodzinski**

Exhibit 2153 is the under seal, unredacted version of the Declaration of Steve Jagodzinski. Patent Owner has also filed a public, redacted version of this exhibit at Exhibit 2152. The under seal, redacted portions of Mr. Jagodzinski’s declaration summarize and discuss confidential, internal, proprietary data regarding GuideLiner revenue, units sold, and licensing strategy. 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

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.