

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

Petitioner,

v.

TELEFLEX LIFE SCIENCES LIMITED,

Patent Owner.

Case IPR2020-01341
U.S. Patent No. 8,142,413

Case IPR2020-01342
U.S. Patent No. 8,142,413

Case IPR2020-01343
U.S. Patent No. RE 46,116

Case IPR2020-01344
U.S. Patent No. RE 46,116

PETITIONER'S UNOPPOSED MOTION TO FILE UNDER SEAL

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Petitioner files this Unopposed Motion to File Under Seal, requesting that Petitioner's and Patent Owner's Demonstrative Exhibits remain under seal. The under-seal version of Petitioner's Demonstrative Exhibits are being filed concurrently with this motion, and Petitioner anticipates that Patent Owner will file an under-seal version of its Demonstrative Exhibits in short order.

Petitioner conferred with Patent Owner, and Patent Owner does not oppose this motion.

In conjunction with Patent Owner's Responses, Petitioner and Patent Owner agreed to and submitted a stipulated Joint Protective Order. *See, e.g.*, IPR2020-01341, Paper 28. Petitioner requests that the Board enter that stipulated Joint Protective Order in the above-captioned cases to govern treatment of the information and documents 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(a). “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.” Patent Trial and Appeal Board Consolidated Trial Practice Guide, at 19 (Nov. 2019 ed.).

The documents subject to this motion contain confidential information and, thus, qualify for protection, and for the reasons explained below, there is good cause to keep the document sealed.

A. Under-Seal Version of Petitioner’s and Patent Owner’s Demonstrative Exhibits

Petitioner filed an under-seal version of its Demonstrative Exhibits and a public, redacted version of those demonstratives. Slide 174 discusses Petitioner’s product development documents that have been previously marked as confidential under the protective order governing the parallel district court litigation in the United States District Court for the District of Minnesota. Moreover, slides 178 and 192 of Patent Owner’s Demonstrative Exhibits also discuss Petitioner’s confidential product development documents, and are likewise being filed under seal. This information qualifies as “confidential information” under the Trial Practice Guide.

Because Petitioner has designated this information as confidential under the district court protective order, there is good cause to keep the redacted information under seal. Publicly revealing designated information could put Petitioner at a competitive disadvantage in the marketplace.

II. Certificate of Conference

Pursuant to 37 C.F.R. §§ 42.54(a), Petitioner certifies that it, in good faith, conferred with Patent Owner. Patent Owner does not oppose this motion. Both

Petitioner and Patent Owner agree to abide by the parties' stipulated Protective Order regarding their Demonstrative Exhibits.

III. Request for Conference Call with the Board

Should the Board not be inclined to grant this Unopposed Motion to File Under Seal, Petitioner requests a conference call with the Board to discuss any concerns prior to the Board issuing a decision on the motion.

IV. Conclusion

Petitioner respectfully requests that the Board grant this Unopposed Motion to File Under Seal and keep Petitioner's and Patent Owner's Demonstrative Exhibits under seal.

Dated: November 16, 2021

Respectfully submitted,

/Cyrus A. Morton/

Cyrus A. Morton

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Attorney for Petitioner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e)(4), the undersigned certifies that on November 16, 2021, a copy of PETITIONER'S UNOPPOSED MOTION TO FILE UNDER SEAL was served by electronic mail on Patent Owner's counsel at the following addresses indicated in Patent Owner's Mandatory Notices:

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