

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 IPR2020-01344
Patent RE46,116

**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 slides 183 and 184 of Patent Owner's Demonstratives remain under seal. The under-seal version of Patent Owner's Demonstratives are being filed concurrently with this motion.

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. *See, e.g.*, IPR2020-01341, Paper 28. Patent Owner respectfully requests that the Board enter that stipulated Joint Protective Order in the above captioned case to govern treatment of the 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).

The information that is the subject of this motion meets this standard, and for the reasons explained below there is good cause for why the identified information should remain under seal.

A. Under-Seal Version of Patent Owner’s Demonstratives

Patent Owner has filed under-seal its Patent Owner Demonstratives, as well as a public, redacted versions of those demonstratives. The redacted portions on slides 183 and 184 contain confidential Patent Owner sales data regarding GuideLiner revenue and units sold.

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 Demonstratives under seal. Publicly revealing the sensitive, competitive information could put Patent Owner at a competitive disadvantage in the marketplace.

II. Certification of Conference

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

Both Petitioner and Patent Owner agree to abide by the parties' stipulated Protective Order pending a decision by the Board on the motion for entry thereof.

III. Request for Conference Call with the Board

Should the Board not be inclined to grant the present Unopposed Motion to File Under Seal, Patent Owner hereby requests a conference call with the Board to discuss any concerns prior to the Board issuing a decision on the Motion.

IV. Conclusion

Patent Owner respectfully requests that the Board grant this Unopposed Motion to File Under Seal, and keep slides 183 and 184 of Patent Owner's Demonstratives under seal.

Dated: November 16, 2021.

Respectfully submitted,

/ J. Derek Vandenburg /

J. Derek Vandenburg (Lead Counsel)

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