

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
Petitioner

v.

REGENERON PHARMACEUTICALS, INC.
Patent Owner

Case IPR2021-00881
Patent 9,254,338 B2

**PATENT OWNER'S UNOPPOSED MOTION FOR ENTRY OF
DEFAULT PROTECTIVE ORDER PURSUANT TO 37 C.F.R. § 42.54**

I. MOTION FOR ENTRY OF DEFAULT PROTECTIVE ORDER

Patent Owner Regeneron Pharmaceuticals, Inc. moves for entry of the Default Protective Order found in Appendix B of the PTAB Consolidated Trial Practice Guide (November 2019), *available at* <https://www.uspto.gov/sites/default/files/documents/tpgnov.pdf>, which is appended hereto as Addendum A.

“[P]rotective orders may be issued for good cause by the Board to protect a party from disclosing confidential information. 37 C.F.R. § 42.54.” PTAB Consolidated Trial Practice Guide (November 2019) at 20. “Confidential information [includes] trade secret or other confidential research, development, or commercial information.” *Id.* at 19. Good cause exists here because Patent Owner intends to submit non-public confidential research, development and commercial information with its forthcoming Patent Owner’s Response that it seeks to maintain as confidential.

II. CERTIFICATE OF CONFERENCE

Pursuant to 37 C.F.R. § 42.54, Patent Owner certifies that it has conferred with Petitioner regarding this motion and Petitioner has indicated that it does not object to the entry of the default protective order. Consequently, Patent Owner

respectfully requests that the Board's default protective order be entered in this proceeding.

Dated: February 3, 2022

Respectfully Submitted,

/s/ Deborah E. Fishman

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**Counsel for Patent Owner,
Regeneron Pharmaceuticals, Inc.**

ADDENDUM A

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DEFAULT PROTECTIVE ORDER

This protective order governs the treatment and filing of confidential information, including documents and testimony.

1. Confidential information shall be clearly marked “PROTECTIVE ORDER MATERIAL.”
2. Access to confidential information is limited to the following individuals who have executed the acknowledgment appended to this order:
 - (A) Parties. Persons who are owners of a patent involved in the proceeding and other persons who are named parties to the proceeding.

(B) Party Representatives. Representatives of record for a party in the proceeding.

(C) Experts. Retained experts of a party in the proceeding who further certify in the Acknowledgement that they are not a competitor to any party, or a consultant for, or employed by, such a competitor with respect to the subject matter of the proceeding.

(D) In-house counsel. In-house counsel of a party.

(E) Support Personnel. Administrative assistants, clerical staff, court reporters another support personnel of the foregoing persons who are reasonably necessary to assist those persons in the proceeding shall not be required to sign an Acknowledgement, but shall be informed of the terms and requirements of the Protective Order by the person they are supporting who receives confidential information.

(F) The Office. Employees and representatives of the United States Patent and Trademark Office who have a need for access to the confidential information shall have such access without the requirement to sign an Acknowledgement. Such employees and representatives shall include the Director, members of the Board and their clerical staff, other support personnel, court reporters, and other persons acting on behalf of the Office.

3. Employees (e.g., corporate officers), consultants, or other persons

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