

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

Deborah E. Fishman (Reg. No. 48,621)
3000 El Camino Real #500
Palo Alto, CA 94304

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

ADDENDUM A

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

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

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.