

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MYLAN PHARMACEUTICALS INC.,  
MSN LABORATORIES PRIVATE LTD.,  
and MSN PHARMACEUTICALS INC.,  
Petitioners,

v.

BAUSCH HEALTH IRELAND LIMITED,  
Patent Owner.

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Case IPR2022-00722<sup>1</sup>  
Patent 7,041,786

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**PETITIONERS' NON-CONFIDENTIAL DESCRIPTION  
OF THE NATURE OF CONFIDENTIAL INFORMATION  
Protective Order Guideline (d)(4)(A)(i)**

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<sup>1</sup> IPR2023-00016 has been joined with this proceeding.

## **I. INTRODUCTION**

Bausch filed its Patent Owner Response (POR) and five exhibits under seal subject to a pending motion to seal and enter the default protective order. (Paper 26). Petitioner (Mylan) is currently filing a Reply, one deposition transcript (EX1060) that Bausch has designated confidential and for which Bausch supplied the redacted copy, and two declaration exhibits (EX1063 and EX1064) that discuss text that Bausch has designated confidential. Mylan has filed its unredacted Reply and unredacted versions of the EX1060, EX1063, and EX1064 exhibits as “Parties and Board Only” to avoid inadvertent disclosure of confidential information and to afford Bausch an opportunity to move to seal and redact the documents if Bausch deems it necessary. *RPX Corp. v. Applications in Internet Time*, IPR2015-01750, Paper 42, 2 (2016). This description is timely filed under the Protective Order Guidelines. Trial Practice Guide Update (July 2019), Apdx. B.

## **II. DESCRIPTION OF THE NATURE OF THE CONFIDENTIAL INFORMATION**

Bausch filed its POR (Paper 27) and EX2023, EX2024, EX2025, EX2027, and EX2028 under seal, and filed redacted versions.

Mylan is currently filing only as Board and Parties Only its Reply and declarations from Dr. Peterson (EX1063) and Epstein (EX1064) that discuss information from the redacted portions of Bausch’s response and exhibits. For EX1060, Bausch provided Mylan with a copy redacted copy, so Mylan has filed

both confidential and public versions of EX1060. Counsel for Mylan will ask Bausch to provide redactions to Mylan's Reply, EX1063, and EX1064 that Mylan will file publicly pending Bausch's submission of, and the Board's action on, a motion to seal.

### **III. EXHIBITS WITH CONFIDENTIAL MARKINGS BUT NOT SEALED**

During the depositions of Drs. Shailubhai and Waldman, Bausch designated each transcript as confidential, but has subsequently informed Mylan that Bausch has withdrawn these designations. Thus, the transcripts for Dr. Shailubhai (EX1061) and Dr. Waldman (EX1062) are not confidential and have not been filed under seal.

Respectfully submitted,

Dated: March 24, 2023

/Jad A. Mills/  
Jad A. Mills, Reg. No. 63,344  
Counsel for Mylan Pharmaceuticals Inc.

## CERTIFICATE OF SERVICE

I certify that today this paper was served by email on Bausch's counsel at:

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Respectfully submitted,

Dated: March 24, 2023

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