

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

BAUSCH HEALTH IRELAND LIMITED,
Patent Owner.

Case IPR2022-00722¹
Patent 7,041,786

**PETITIONER MYLAN'S NON-CONFIDENTIAL DESCRIPTION
of the Nature of Designated-Confidential Information
Protective Order (d)(5)(A)(i)**

¹ IPR2023-00016 has been joined with this proceeding.

I. INTRODUCTION

Patentee Bausch has designated exhibits as confidential. Papers 26, 48, and 50. Petitioner Mylan is currently filing a motion to exclude and an opposition to Bausch’s motions to seal that refer to information that Bausch has designated as confidential. Mylan has filed its unredacted motion to exclude and opposition 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. 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 has designated the following papers and exhibits as confidential:

Paper or Exhibit	Motion to Seal
Paper 27: Patent Owner Response	Paper 26
EX2023: Shailubhai Declaration	Paper 26
EX2024: Davies Declaration	Paper 26
EX2025: Waldman Declaration	Paper 26
EX2027: Study No. SP-PH-001	Paper 26
EX2028: Study No. SP-PH-004	Paper 26

Paper 38: Reply	Paper 48
EX1060: Davies Deposition	Paper 48
EX1063: 2d Peterson Declaration	Paper 48
EX1064: Epstein Declaration	Paper 48
Paper 49: Patent Owner Sur-Reply	Paper 50

The motion to exclude refers to EX2024, EX2027, and EX2028. The opposition discusses Paper 27, EX2023-EX2025, EX2027, EX2028, EX1060, EX1063, EX1064, Paper 38, and Paper 49. Mylan is concurrently filing its motion to exclude and opposition as “Board and Parties Only” to permit Bausch an opportunity to identify redactions and move to seal.

Respectfully submitted,

Dated: May 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: May 24, 2023

/Christopher Kielman/
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