

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MYLAN PHARMACEUTICALS INC.,  
Petitioner,

v.

BAUSCH HEALTH IRELAND LIMITED,  
Patent Owner.

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IPR2022-01103  
Patent 9,616,097 B2

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Before SHERIDAN SNEDDEN, CYNTHIA M. HARDMAN, and  
MICHAEL A. VALEK, *Administrative Patent Judges*.

VALEK, *Administrative Patent Judge*.

DECISION  
Granting Patent Owner's Motion to Expunge  
*37 C.F.R. §§ 42.14, 42.56*

Patent Owner filed a motion to expunge the confidential versions of Exhibit 2013 (confidential version of Clinical Study Report) and Paper 7 (confidential version of Patent Owner’s Preliminary Response, which discusses the Clinical Study Report). *See* Paper 20 (“Motion”). Petitioner did not oppose the Motion. For the reasons stated below, we grant the Motion.

The Board previously sealed Exhibit 2013 and Paper 7. *See* Paper 15, 19–20. The record contains redacted versions of these documents. *See* Mot. 3. Unless the Board grants a motion to expunge, confidential exhibits will ordinarily become public 45 days after denial of a petition to institute a trial. *See* Patent Trial and Appeal Board Consolidated Trial Practice Guide (November 2019) (“Trial Practice Guide”)<sup>1</sup> 21–22. This is because a strong public policy exists for making public all information filed in our administrative trial proceedings. 37 C.F.R. § 42.14. Thus, we resolve the Motion by balancing the public’s interest in maintaining a complete and understandable record against a party’s demonstrated interest in protecting truly sensitive, confidential information. Trial Practice Guide 22.

Patent Owner correctly avers that the Board “did not cite anything exclusively in the confidential documents in its decision denying institution of the *inter partes* review.” Mot. 4. Additionally, we are persuaded that the details of the sealed confidential information are not necessary to an understanding of the reasons supporting our decision to deny institution. As such, we find that the public’s interest in access to those details is minimal, and we accept Patent Owner’s unopposed argument that good cause exists to expunge the confidential versions of Exhibit 2013 and Paper 7.

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<sup>1</sup> Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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Accordingly, we grant Patent Owner's Motion to Expunge.

It is

ORDERED that Patent Owner's Motion to Expunge is *granted*; and

FURTHER ORDERED that the confidential versions of Exhibit 2013  
and Paper 7 are expunged.

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