

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APOTEX INC.,
Petitioner

v.

NOVO NORDISK A/S,
Patent Owner

Case IPR2024-00631
Patent 10,335,462

PATENT OWNER'S MOTION TO SEAL

I. Introduction

Pursuant to the default protective order and 37 C.F.R. §§ 42.14, 42.54, and 42.55, Patent Owner Novo Nordisk A/S (“Novo”) hereby moves to seal its Patent Owner Preliminary Response as described herein. Petitioner Apotex Inc. (“Apotex”) has advised Novo that Apotex does not oppose this motion to seal the Patent Owner Preliminary Response.

II. Good Cause Exists to Seal the Patent Owner Preliminary Response

Pursuant to the default protective order (filed by Apotex at Appendix A of Paper 3) and 37 C.F.R. §§ 42.14, 42.54 and 42.55, Novo moves to seal its Patent Owner Preliminary Response submitted concurrently with this motion.

Based on Apotex’s representations, “good cause” exists to seal Novo’s Patent Owner Preliminary Response because it includes material that Apotex has represented is non-public business information. *See Celltrion, Inc. v. Genentech, Inc.*, IPR2016-01667, Pap.31, 4 (July 23, 2018); *Greene’s Energy Grp., LLC v. Oil States Energy Servs., LLC*, IPR2014-00216, Pap.27, 5 (Sept. 23, 2014); 37 C.F.R. § 42.54. Specifically, portions of Novo’s Patent Owner Preliminary Response contain information that Apotex has designated confidential in Apotex’s Motion to Seal and for Entry of a Protective Order Pursuant to 37 C.F.R. § 42.54. Petitioner has stated that this information, if “publicly disclosed[,] would likely cause competitive business harm to Apotex.” Paper 3 at 2.

Novo has filed and served on Apotex an unredacted, nonpublic version of its Patent Owner Preliminary Response concurrently with this motion. Novo will coordinate with Apotex with respect to the filing of a redacted version of the Patent Owner Preliminary Response once Apotex has the opportunity to identify any redactions Apotex believes are necessary.

III. Conclusion

For the foregoing reasons, Novo respectfully requests that the Board grant this motion to seal.

Respectfully submitted by:

Dated: June 12, 2024

/Megan Raymond/

J. Steven Baughman (Reg. No. 47,414)

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Attorneys For Patent Owner

Novo Nordisk A/S

CERTIFICATE OF PAGE COUNT

The undersigned certifies that the foregoing PATENT OWNER'S MOTION TO SEAL complies with the 15-page limitation in 37 C.F.R. §42.24(a)(1)(v).

Dated: June 12, 2024

Respectfully Submitted,

By: /Megan Raymond/
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of **PATENT OWNER'S MOTION TO SEAL** has been served in its entirety by causing the aforementioned document to be electronically mailed to the following attorneys of record for the Petitioner listed below:

John J. Molenda
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Dated: June 12, 2024

Respectfully submitted,

By: /Sayem Osman/
Sayem Osman