

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ALTAIRE PHARMACEUTICALS, INC.,  
Petitioner,

v.

PARAGON BIOTECK, INC.,  
Patent Owner.

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Case PGR2015-00011  
Patent 8,859,623 B1

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Before SHERIDAN K. SNEDDEN, ZHENYU YANG, and  
CHRISTOPHER G. PAULRAJ, *Administrative Patent Judges*.

YANG, *Administrative Patent Judge*.

ORDER  
Conduct of the Proceeding  
*37 C.F.R. § 42.5*

Petitioner filed a Motion to seal portions of the deposition transcript of Assad Sawaya (Ex. 2034) and Patent Owner's Response (Paper 20). Paper 24, 1. We determined that those documents have been excessively redacted. Paper 27, 2. Thus, on March 29, 2016, we denied Petitioner's Motion without prejudice, but authorized Petitioner to file a renewed motion to seal within five business days. *Id.* at 3. Because Petitioner did not file any renewed motion to seal, we issued an Order on April 8, 2016, unsealing Paper 20 and Exhibit 2034. Paper 30.

Immediately after we issued the April 8 Order, Patent Owner contacted the Board, requesting authorization to file its own motion to seal portions of Paper 20 and Exhibit 2034. Patent Owner stated that it only seeks to seal information that both parties regard as confidential. Patent Owner further represented that we previously sealed substantially the same information. *See* Paper 13. Patent Owner's request is granted. The deposition transcript of Assad Sawaya (Ex. 2034) and Patent Owner's Response (Paper 20) will be kept under seal until the resolution of Patent Owner's motion to seal.

Accordingly, it is

ORDERED that Patent Owner is authorized to file a motion to seal portions of Paper 20 and Exhibit 2034, limited to "confidential information" as defined in 37 C.F.R. § 42.2;

FURTHER ORDERED that the motion to seal must be supported by a declaration by an officer of Patent Owner, attesting to the necessity for *each* redaction, including the confidential nature of the redacted material, and the

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specific alleged harm to Patent Owner that would result from its disclosure;  
and

FURTHER ORDERED the motion to seal is limited to five pages and  
must be filed by 5 pm ET on April 12, 2016.

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