

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ALTAIRE PHARMACEUTICALS, INC.,
Petitioner,

v.

PARAGON BIOTECK, INC.,
Patent Owner.

Case PGR2015-00011
Patent 8,859,623 B1

Before SHERIDAN K. SNEDDEN and ZHENYU YANG,
Administrative Patent Judges.

YANG, *Administrative Patent Judge.*

DECISION
Petitioner's Motion to Seal
37 C.F.R. §§ 42.14, 42.54

On May 6, 2016, Petitioner filed a motion to seal portions of its Reply and Exhibit 1029, and Exhibits 1027, 1028, and 1030 in their entirety. Paper 34, 1 (“Motion”). Patent Owner has not filed any opposition. Petitioner’s Motion is granted.

According to Petitioner, it seeks to seal portions of the Reply that Patent Owner considers highly confidential. *Id.* at 1 (citing Paper 6, 2). Petitioner has filed a redacted version of the Reply. *See* Paper 34, 2. As explained previously and in the concurrently issued Decision on Patent Owner’s Motion to Seal, we have determined that Patent Owner has shown good cause for sealing confidential and sensitive information related to Patent Owner’s financial matters that is not publicly available. Paper 12, 1; Paper 45, 2. The redactions to Petitioner’s Reply appear to be limited to isolated passages that consist of similar Patent Owner’s confidential information. The redactions would not inhibit a reader’s understanding of the substance of the Petitioner’s position. Thus, upon considering the content of the Reply, we determine that good cause exists for sealing the redacted portions of the Reply.

Petitioner also argues that good cause exists for sealing portions of Exhibit 1029, and Exhibits 1027, 1028, and 1030 in their entirety. Paper 34, 2–4. According to Petitioner, information contained therein “reflects proprietary and confidential testing methodologies developed by Petitioner.” *Id.* at 2. Petitioner asserts that these testing methods have not been published or otherwise made public, and the disclosure thereof would harm Petitioner’s interest. *Id.* at 3–4. Even though Petitioner has not filed any testimonial evidence to support its Motion, we are persuaded that the exhibits themselves bear sufficient markings that evince their confidentiality. *See, e.g.*, Ex. 1027, 1 (“This document contains information that is

PGR2015-00011
Patent 8,859,623 B1

privileged, confidential and is protected from disclosure under applicable law. This document is the sole property of Altaire Pharmaceuticals, Inc.”).

In addition, Petitioner contends that the Board does not need the detailed information Petitioner seeks to seal to make the patentability determination in this proceeding. *Id.* at 4. Further, Petitioner has filed a redacted version of Exhibit 1029, redacting only specific information related to the testing methodologies. *Id.* at 3.

Upon considering the content of Exhibits 1027–1030, along with Petitioner’s representations as to the confidentiality of the information contained therein, we determine that Petitioner has shown good cause for sealing the redacted portions of Exhibit 1029 and Exhibits 1027, 1028, and 1030 in their entirety.

Accordingly, it is

ORDERED that Petitioner’s Motion to Seal is GRANTED.

PETITIONER:

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PGR2015-00011
Patent 8,859,623 B1

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