

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARGENTUM PHARMACEUTICALS LLC,
Petitioner

v.

CIPLA LTD.,
Patent Owner.

Case. IPR2017-00807

Patent 8,168,620

PETITIONER'S MOTION TO SEAL

Pursuant to 35 U.S.C. § 316(a)(1) and 37 C.F.R. §§ 42.14 and 42.54, Petitioner Argentum Pharmaceuticals LLC (“Argentum”) respectfully requests that the Board seal Exhibit 1145.

I. Reasons for Relief Requested

The parties have previously conferred and agreed upon the entry of a Protective Order in this case. Patent Owner’s Motion for Entry of Stipulated Protective Order and Motion to Seal, Paper 23. The Protective Order provides all of the protections of the Default Protective Order of this Board (Appendix B of the Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48771 (Aug. 14, 2012)).

II. Motion to Seal

The standard for granting a motion to seal is “good cause.” 37 C.F.R. § 42.54. The Office Patent Trial Practice Guide provides that “the rules aim to strike a balance between the public’s interest in maintaining a complete and understandable file history and the parties’ interest in protecting truly sensitive information.” 77 Fed. Reg. at 48760. Those rules “identify confidential information in a manner consistent with Federal Rule of Civil Procedure 26(c)(1)(G), which provides for protective orders for trade secret or other confidential research, development, or commercial information.” *Id.* (citing 37 C.F.R. § 42.54). “Where confidentiality is alleged as to some but not all of the information submitted to the [Patent Trial and Appeal Board (‘PTAB’ or ‘Board’)],

the submitting party shall file confidential and non-confidential versions of its submission, together with a Motion to Seal the confidential version setting forth the reasons why the information redacted from the non-confidential version is confidential and should not be made publicly available.” *Id.* at 48770.

Argentum moves to seal Exhibit 1145 as a courtesy to Patent Owner because it is a declaration from one of Petitioner’s witness that cites to and discusses formulation details of Meda/Mylan’s Dymista® product that Patent Owner Cipla’s has designated as confidential, and is the subject of Cipla’s own motion to seal. Paper 23. A redacted, public copy of Exhibit 1145 is being concurrently submitted as Exhibit 1165.

III. Certification of Conference with Opposing Party Pursuant to 37 C.F.R. § 42.54

The parties have conferred concerning the designation of the confidential information. Cipla does not oppose this motion.

IV. Conclusion

For the reasons stated above, Argentum respectfully requests that this Motion to Seal be granted.

Date: March 6, 2018

RESPECTFULLY SUBMITTED,

s/Michael R. Houston/

Michael R. Houston.

Reg. No. 58,486

Counsel for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **Motion to Seal** was served on March 6, 2018 on Counsel for Patent Owner via electronic mail to the following:

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Dated: March 6, 2018

By: /Joseph P. Meara/

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