

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

INNOPHARMA LICENSING, INC., INNOPHARMA LICENSING LLC,  
INNOPHARMA INC., INNOPHARMA LLC,  
MYLAN PHARMACEUTICALS INC., and MYLAN INC.,  
LUPIN LTD., and LUPIN PHARMACEUTICALS, INC.,  
Petitioners,

v.

SENJU PHARMACEUTICAL CO., LTD., BAUSCH & LOMB, INC., and  
BAUSCH & LOMB PHARMA HOLDINGS CORP.,  
Patent Owner.

---

Case IPR2015-00902 (Patent 8,669,290 B2)  
Case IPR2015-00903 (Patent 8,129,431 B2)<sup>1</sup>

---

Before FRANCISCO C. PRATS, ERICA A. FRANKLIN, and  
GRACE KARAFFA OBERMANN, *Administrative Patent Judges*.

OBERMANN, *Administrative Patent Judge*.

ORDER

Granting Patent Owner's Motions to Expunge  
*37 C.F.R. §§ 42.5(a); 42.56*

---

<sup>1</sup> IPR2015-01871 has been joined with IPR2015-00903. This Order addresses issues common to both cases identified in the caption.

IPR2015-00902 (Patent 8,669,290 B2)

IPR2015-00903 (Patent 8,129,431 B2)

A Final Written Decision was entered in each proceeding on July 28, 2016. Papers 90, 82.<sup>2</sup> On September 21, 2016, in each proceeding, Patent Owner filed a Motion to Expunge. Papers 106, 97. This Order addresses those Motions.

Patent Owner seeks to expunge documents that reflect confidential information and were filed under seal in IPR2015-00902: Papers 33, 34, and 91; and Exhibits 1082, 1081, 1079, 1150, 2082, 2096, 2102, 2103, 2110, 2116, 2130, 2249-54, 2258-2263, and 2273. Paper 106, 2.

Patent Owner also seeks to expunge documents that reflect confidential information and were filed under seal in IPR2015-00903: Papers 33 and 34; and Exhibits 1079, 1081, 1082, 1150, 2096, 2102, 2103, 2110, 2116, 2130 and 2273. Paper 97, 2.

Patent Owner indicates that Petitioners do not oppose the Motions to Expunge. Paper 106, 6; Paper 97, 6. Patent Owner establishes that the Motions to Expunge will not remove from the public record any information cited by the Board in the Final Written Decisions. Paper 106, 4–6; Paper 97, 4–6 (seeking to expunge only those documents that were “not referred to in the Board’s Final Written Decision[s]” or confidential versions of documents having corresponding public versions that remain of record and leave unredacted all information cited in a Final Written Decision).

Under the circumstances, we are persuaded that granting Patent Owner’s unopposed Motions to Expunge strikes a reasonable balance between the need to maintain the confidential nature of sealed information and the public interest in maintaining a complete and understandable public

---

<sup>2</sup> We sequentially refer to papers filed in IPR2015-00902 and IPR2015-00903.

IPR2015-00902 (Patent 8,669,290 B2)

IPR2015-00903 (Patent 8,129,431 B2)

file history of the patents at issue. Paper 106, 6; Paper 97, 6. The redacted, public versions of documents will remain in the record.

It is

ORDERED that Patent Owner's Motions to Expunge (Papers 106, 97) are *granted*;

FURTHER ORDERED that the confidential versions of the following documents filed under seal in IPR2015-00902 shall be expunged: Papers 33, 34, and 91; and Exhibits 1082, 1081, 1079, 1150, 2082, 2096, 2102, 2103, 2110, 2116, 2130, 2249-54, 2258-2263, and 2273; and

FURTHER ORDERED that the confidential versions of the following documents filed under seal in IPR2015-00903 shall be expunged: Papers 33 and 34; and Exhibits 1079, 1081, 1082, 1150, 2096, 2102, 2103, 2110, 2116, 2130 and 2273.

IPR2015-00902 (Patent 8,669,290 B2)

IPR2015-00903 (Patent 8,129,431 B2)

PETITIONERS:

Jitendra Malik, Ph.D.

Lance Soderstrom

James Abe

ALSTON & BIRD LLP

jitty.malik@alston.com

lance.soderstrom@alston.com

james.abe@alston.com

PATENT OWNER:

Bryan C. Diner

Justin J. Hasford

Joshua Goldberg

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP

Bryan.Diner@finnegan.com

Justin.Hasford@finnegan.com

joshua.goldberg@finnegan.com