

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

Petitioners,

v.

SENJU PHARMACEUTICAL CO., LTD.,

Patent Owner.

Case IPR2015-01097 (Patent 8,754,131 B2)¹

Case IPR2015-01100 (Patent 8,927,606 B1)²

Case IPR2015-01105 (Patent 8,871,813 B2)³

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

FRANKLIN, *Administrative Patent Judge*.

DECISION⁴

Granting Patent Owner's Renewed Motion to Expunge Exhibit 1181
37 C.F.R. § 42.56

¹ Case IPR2016-00089 has been joined with this proceeding.

² Case IPR2016-00091 has been joined with this proceeding.

³ Case IPR2016-00090 has been joined with this proceeding.

⁴ This Decision relates to and shall be filed in each referenced case.

IPR2015-01097 (Patent 8,754,131 B2)
IPR2015-01100 (Patent 8,927,606 B1)
IPR2015-01105 (Patent 8,871,813 B2)

Previously, we denied Patent Owner’s Motion to Expunge, Paper 77, with respect to sealed Exhibit 1181, in consideration of Petitioner Lupin’s opposition to that motion. Paper 81. Exhibit 1181 is a transcript of the cross-examination of expert witness Mr. Ivan T. Hofmann that was filed subject to a protective order. Paper 71. In denying Patent Owner’s Motion to Expunge Exhibit 1181, we ordered the sealed status of the exhibit to be preserved pending appeal.⁵ Paper 81. Additionally, we authorized Patent Owner to renew its request to expunge Exhibit 1181 if no appeal is taken, or if an appeal is taken, after the final disposition of such appeal. *Id.*

Accordingly, Patent Owner files its Renewed Motion to Expunge Exhibit 1181 (“Renewed Motion”) affirming that Petitioner Lupin does not oppose the Renewed Motion and explaining that no appeal will be taken, as the parties have settled the cases. Paper 82, 2–3. Further, Patent Owner confirms that Exhibit 1181 was not referred to in the Board’s Final Decision for any of the captioned proceedings. *Id.* Thus, expunging Exhibit 1181 to preserve the sensitive and confidential material contained therein will not deny the public from having access to all the materials relevant to the merits of each proceeding.

Based upon our consideration of those facts, we are satisfied that good cause exists to expunge sealed Exhibit 1181.

⁵ A Final Written Decision was entered by the Board in each of the captioned proceedings on September 12, 2016. Paper 70. Documents filed subject to a protective order would normally be made public 45 days from that date. 77 Fed. Reg. No. 157, Part V at Section I.E.6. (Aug. 14, 2012)

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IPR2015-01105 (Patent 8,871,813 B2)

Accordingly, it is

ORDERED that Patent Owner's Renewed Motion to Expunge
Exhibit 1181 is *granted*.

PETITIONERS:

Deborah Yellin
dyellin@crowell.com

Jonathan Lindsay
jlindsay@crowell.com

Teresa Rea
trea@corwell.com

Jitendra Malik
Jitty.malik@alston.com

Bryan Skelton
Bryan.skelton@alston.com

Lance Soderstrom
Lance.soderstrom@alston.com

Hidetada James Abe
James.abe@alston.com

Joseph Janusz
Joe.janusz@alston.com

Shannon Lentz
slentz@crowell.com

IPR2015-01097 (Patent 8,754,131 B2)
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PATENT OWNER:

Bryan Diner
Bryan.diner@finnegan.com

Justin Hasford
Justin.hasford@finnegan.com

Joshua Goldberg
Joshua.goldberg@finnegan.com