

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMERIGEN PHARMACEUTICALS LIMITED and
ARGENTUM PHARMACEUTICALS LLC,
Petitioner,

v.

JANSSEN ONCOLOGY, INC.,
Patent Owner.

Case IPR2016-00286¹
Patent 8,822,438 B2

Before JEFFREY N. FREDMAN, KRISTINA M. KALAN and
JACQUELINE T. HARLOW, *Administrative Patent Judges*.

KALAN, *Administrative Patent Judge*.

DECISION
Granting Patent Owner's Motion to Expunge
37 C.F.R. §§ 42.14, 42.56

¹ Case IPR2016-01317 has been joined with this proceeding.

Pursuant to 37 C.F.R. § 42.56, Janssen Oncology, Inc. (“Patent Owner”) moves to expunge Exhibits 2038, 2044, 2092, 2093, 2094, and 2118. Paper 94, 1 (“Motion”). Patent Owner attests Petitioner does not oppose the Motion. *Id.* at 1. For the reasons set forth below, we *grant* Patent Owner’s Motion.

A strong public policy exists for making information filed in an *inter partes* review publicly available. 37 C.F.R. § 42.14; *see also* Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48760–61 (Aug. 14, 2012). The public’s interest in maintaining a complete and understandable file history is balanced with the party’s interest in protecting its truly sensitive, confidential information. 77 Fed. Reg. at 48760–61. Because sealed information ordinarily becomes publicly available after final judgment, a party wishing to preserve its confidentiality may file a motion to expunge the information from the record. *Id.*; 37 C.F.R. § 42.56.

We previously determined good cause existed to seal Exhibits 2038, 2044, 2092, 2093, 2094, and 2118, because they contain non-public research summaries, non-public research and development information, and testimony that relies on those documents. Paper 89, 2. As we stated in our Order granting Patent Owner’s Motion to Seal, it was not necessary to identify, nor discuss in detail, any confidential information in rendering our Final Decision. *Id.* at 3. As such, expunging these exhibits would not hinder the public’s ability to understand the Final Decision or the trial at large. We therefore agree with Patent Owner that the public’s interest in being able to access this information does not outweigh Patent Owner’s need to protect its confidential information.

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Accordingly, we grant Patent Owner's request to expunge Exhibits 2038, 2044, 2092, 2093, 2094, and 2118.

It is:

ORDERED that Patent Owner's Motion to Expunge is *granted*, and Exhibits 2038, 2044, 2092, 2093, 2094, and 2118 are *expunged*.

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