

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COHERUS BIOSCIENCES, INC.,
Petitioner,

v.

HOFFMANN-LA ROCHE INC.,
Patent Owner.

Inter Partes Review No. IPR2017-01916
Patent No. 8,163,522

PATENT OWNER'S MOTION TO EXPUNGE

I. Statement of Precise Relief Requested Under § 42.22(a)(1)

Patent Owner Hoffman-La Roche, Inc. ("Patent Owner") moves to expunge Exhibits 2083 and 2097 from the record in their entirety, as authorized by the Board in its Decision Denying Institution. Paper 13 at 24.

II. Statement of Reasons for Relief Requested Under § 42.22(a)(2)

As explained in Patent Owner's Motion to Seal under 37 C.F.R. §§ 42.14 and 42.54, Exhibits 2083 and 2097 contain certain proprietary information from a third party that, among other things, collects and maintains pharmaceutical sales and prescription data. Paper 10. That third party has not provided Patent Owner with permission to make this proprietary information available to the public at large. *Id.* at 1.

On March 9, 2018, the Board issued its decision denying institution of IPR2017-01916. Because Exhibits 2083 and 2097 were not relied on by the Board in rendering its decision, the Board denied Patent Owner's Motion to Seal as moot. Paper 13 at 24 ("We did not rely on Exhibits 2083 or 2097 in rendering this decision. Accordingly, we dismiss as moot the Motion to Seal.").

The Board also granted Patent Owner leave to file a motion to expunge Exhibits 2083 and 2097 within 30 days of the decision. Paper 13 at 24 ("Patent Owner is authorized to file a motion to expunge Exhibits 2083 and 2097 within thirty days of the date of this decision, or within thirty days of a decision on

rehearing, if rehearing is requested.”); *see also* 37 C.F.R. § 42.56 (“After denial of a petition to institute a trial or after final judgment in a trial, a party may file a motion to expunge confidential information from the record.”). Accordingly, this motion is timely filed.

Exhibits 2111 and 2112, which are redacted versions of Exhibits 2083 and 2097, respectively, were submitted by Patent Owner with its Preliminary Response and will remain on the publicly available record. Redacted versions of documents that contain confidential information “strike[] the appropriate balance between the public’s interest in maintaining a complete and understandable file history and the parties’ interest in protecting sensitive information.” *RPX Corp. v. VirnetX, Inc.*, Case No. IPR2014-00171, Paper 53, at 2 (PTAB June 30, 2014). Exhibits 2083 and 2097 are not required for a complete understanding of the record because the Board did not rely on these exhibits. *See* Paper 13 at 24.

III. Conclusion

Patent Owner respectfully requests that the Board grant Patent Owner’s motion to expunge Exhibits 2083 and 2097 from the record in their entirety.

Dated: March 23, 2018

Respectfully Submitted,

/Jeffrey P. Kushan /
Jeffrey P. Kushan

IPR2017-01916

Patent Owner's Motion to Expunge

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CERTIFICATE OF SERVICE

I hereby certify that on March 23, 2018, I caused to be served a true and correct copy of the foregoing materials by e-mail on the following counsel:

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Dated: March 23, 2018

Respectfully Submitted,

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