

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VETERINARY ORTHOPEDIC IMPLANTS, INC.,
Petitioner,

v.

DEPUY SYNTHES PRODUCTS, INC.,
Patent Owner.

IPR2019-01331 (Patent 8,523,921 B2)
IPR2019-01332 (Patent 8,523,921 B2)
IPR2019-01333 (Patent 8,523,921 B2)¹

Before HYUN J. JUNG, CHRISTOPHER G. PAULRAJ, and
TIMOTHY G. MAJORS, *Administrative Patent Judges*.

MAJORS, *Administrative Patent Judge*.

ORDER
Granting Patent Owner's Motion to Expunge
37 C.F.R. § 42.56

¹ We exercise our discretion to issue one Order to be filed in each of the above-listed proceedings. Parties are not authorized to use this format absent permission of the Board.

IPR2019-01331 (Patent 8,523,921 B2)
IPR2019-01332 (Patent 8,523,921 B2)
IPR2019-01333 (Patent 8,523,921 B2)

Patent Owner moves, under 37 C.F.R. § 42.56, to expunge from the record Paper 8 (unredacted Patent Owner’s Preliminary Response) and sealed versions of Exhibits 2100–2101 and 2104–2112. IPR2019-01331, Paper 22 (“Mot.” or “Motion”).² Patent Owner previously filed motions to seal for Paper 8 and for the above-identified exhibits (Papers 9 and 17), which we granted (Papers 15 and 19).

The Board has explained that a “good cause” standard applies to motions to expunge confidential information under 37 C.F.R. § 42.56. *RPX Corp. v. VirnetX Inc.*, IPR2014-00171, Paper 62 at 3 (PTAB Sept. 9, 2014). We conclude that Patent Owner’s motion meets that standard here. As explained previously, we were persuaded that the sealed information included “confidential information” (Papers 15 and 19), and Patent Owner contends that public disclosure of that information (e.g., detailed product research) could result in competitive harm. Mot. 3. Moreover, Patent Owner represents that the Motion is unopposed. Mot. 1. And finally, in denying institution (*see* Paper 18), the Board did not cite or rely on the sealed information in Paper 8 or Exhibits 2100–2101 and 2104–2112. Hence, we agree with Patent Owner that the public’s interest in a complete and understandable record is not impaired by expunging the identified paper and exhibits here. Mot. 3–4; *Celltrion, Inc. v. Genentech, Inc.*, IPR2016-01667, Paper 31 at 3 (PTAB July 23, 2018).

² Patent Owner filed parallel motions in the two related cases (IPR2019-01332 (Paper 21) and IPR2019-01333 (Paper 21)).

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IPR2019-01333 (Patent 8,523,921 B2)

It is

ORDERED that Patent Owner's Motion to Expunge is *granted* as provided above; and

FURTHER ORDERED that Paper 8 (unredacted Patent Owner's Preliminary Response) and sealed versions of Exhibits 2100–2101 and 2104–2112 will be expunged.

IPR2019-01331 (Patent 8,523,921 B2)
IPR2019-01332 (Patent 8,523,921 B2)
IPR2019-01333 (Patent 8,523,921 B2)

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