

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

REGENERON PHARMACEUTICALS, INC.,
Petitioner

v.

NOVARTIS PHARMA AG,
NOVARTIS TECHNOLOGY LLC,
NOVARTIS PHARMACEUTICALS CORPORATION,
Patent Owners

Case IPR2020-01318
Patent 9,220,631

**PATENT OWNERS' UNOPPOSED MOTION FOR A MODIFIED
DEFAULT PROTECTIVE ORDER**

Pursuant to 37 C.F.R. §§ 42.14, 42.22, and 42.54, Patent Owners Novartis Pharma AG, Novartis Technology LLC, and Novartis Pharmaceuticals Corporation (collectively, “Novartis”) request entry of the Modified Default Protective Order submitted herewith as Exhibit 2047. A redline version showing differences between the proposed Modified Default Protective Order and the Default Protective Order is submitted as Exhibit 2048. The parties have met and conferred, and Petitioner does not oppose this motion.

The parties have agreed to modify the Board’s Default Protective Order, located in Appendix B of the Consolidated Trial Practice Guide, to (1) remove default Section 2(A); (2) modify default Section 2(D) to limit in-house access to one in-house attorney; and (3) modify the language for marking confidential documents to match the language for designating confidential material set forth in the protective order entered in the parties’ parallel proceeding before the International Trade Commission (“ITC”).

Good cause exists to enter the parties’ proposed Modified Default Protective Order. Consolidated Trial Practice Guide at 19-20; 37 C.F.R. § 42.54. The protections provided by the Modified Default Protective Order are necessary because Novartis will need to rely on information regarding its confidential product development efforts related to its development of the subject matter of the ’631 patent and Novartis would likely suffer competitive harm if the details of its

research and development efforts are shared with the public or shared with Regeneron employees beyond the in-house counsel provided access in the Modified Default Protective Order. The Default Protective Order does not adequately protect against these competitive harms. The proposed Modified Default Protective Order is tailored to guard against harmful disclosures while balancing the public's interest in accessing the substance of this proceeding and the need for Regeneron's in-house counsel to adequately participate in this case.

To accommodate the immediate need to file and serve confidential information in this proceeding, Novartis respectfully requests entry of this agreed upon Modified Default Protective Order.

Dated: October 22, 2020

By: /Elizabeth J. Holland/
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CERTIFICATE OF SERVICE

A copy of this Patent Owners' Unopposed Motion for a Modified Default Protective Order has been served on Petitioner's attorneys of record as follows via electronic mail:

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