

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG BIOEPIS CO., LTD., CELLTRION, INC., and
BIOCON BIOLOGICS INC.,
Petitioners,

v.

REGENERON PHARMACEUTICALS, INC.,
Patent Owner.

IPR2023-00884¹
Patent 11,253,572 B2

Before SUSAN L. C. MITCHELL, ROBERT A. POLLOCK, and
RYAN H. FLAX, *Administrative Patent Judges*.

FLAX, *Administrative Patent Judge*.

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

¹ IPR2024-00260 and IPR2024-00298 are joined with IPR2023-00884. *See* Papers 31 and 33.

I. INTRODUCTION

Regeneron Pharmaceuticals Inc. (“Regeneron”) was the owner of U.S. Patent 11,253,572 B2 (Ex. 1001, “the ’572 patent”). Paper 5, 1. On April 27, 2023, Samsung Bioepis Co., Ltd. filed a petition for *inter partes* review challenging the patentability of claims 1–30 (all claims) of the ’572 patent. Paper 2, 1. Trial was instituted on November 17, 2023. Paper 13.

Subsequently, on December 14, 2023, Celltrion, Inc. in IPR2024-00260, and on December 18, 2023, Biocon Biologics Inc. in IPR2024-00298, each respectively filed a petition for *inter partes* review also challenging the patentability of claims 1–30 of the ’572 patent, and filed motions for joinder with IPR2023-00884. Papers 31 and 33. The trials were instituted and the motions for joinder were granted. Papers 31 and 33.

On July 10, 2024, Regeneron informed “the Board that [it had] filed a Disclaimer under 37 CFR 1.321(a), disclaiming claims 1-30 in U.S. Patent No. 11,253,572 that are the subject of IPR2023-00884.” Ex. 3004; *see also* Ex. 3005 (Disclaimer). Under 37 C.F.R. § 42.72, the Board may terminate a trial without rendering a final written decision, where appropriate, and, under 37 C.F.R. § 42.73(b)(1) and (2), we construed Regeneron’s disclaimer of the involved patent claims to be a request for adverse judgment. Paper 69. We granted Regeneron’s request and terminated the proceeding without entering a final decision. *Id.*

II. REGENERON’S MOTION

Regeneron now requests that the Board expunge from the record certain confidential papers and exhibits, which were filed under seal, namely: Paper 35 (Patent Owner’s Response); Paper 64 (Petitioner’s Reply); Ex. 1080; Ex. 1082; Ex. 1083; Ex. 2001; Ex. 2013, Ex. 2015,

Ex. 2018; Ex. 2019; Exs. 2036–2041; Ex. 2043; Ex. 2048; Ex. 2063;
Ex. 2064; Ex. 2067; Ex. 2069; Ex. 2070; Ex. 2072; Ex. 2073; Ex. 2075;
Ex. 2076; Ex. 2092, Ex. 2141–2144; Ex. 2147; Exs. 2162–2199; Exs. 2214–
2225; Ex. 2232; and Ex. 2238. Paper 70 (“Motion” or “Mot.”).

Regeneron states that:

Petitioner Samsung Bioepis Co., Ltd. (“Samsung”) indicated that it “may be able to agree not to oppose Regeneron’s motion” if Regeneron agreed to provide redacted, public versions of Exs. 1080 and 1082 in IPR2023-00884 and Ex. 2043 in the IPR2023-00739. Redacted versions of those exhibits are being filed concurrently with this Motion.

Mot. 1. Regeneron appears to have done this in filing Exhibits 2246 and 2247. Regeneron asserts good cause exists to expunge, and explains that the relevant documents contain confidential information, redacted public versions of the documents are of record or the documents were not relied upon by the Board in a decision, and Regeneron has provided sufficient description of the respective confidential information to adequately inform the public. Mot. 10–13. Most importantly, Regeneron asserts that “the Board did not rely on the confidential information in the Papers or Exhibits [sought to be expunged] in rendering [a] final judgment.” *Id.* at 13.

We find that good cause exists to expunge the specified papers and exhibits from the record of this *inter partes* review. As noted above, this proceeding was terminated and no final decision was entered on patentability, or otherwise addressing the merits, that relied upon the papers or exhibits at issue. Therefore, we *grant* Regeneron’s Motion to Expunge from the record Papers 35 and 64, and Exhibits 1080, 1082, 1083, 2001, 2013, 2015, 2018, 2019, 2036–2041, 2043, 2048, 2063, 2064, 2067, 2069,

2070, 2072, 2073, 2075, 2076, 2092, 2141–2144, 2147, 2162–2199, 2214–2225, 2232, and 2238.

III. ORDER

For the foregoing reasons, it is

ORDERED that Regeneron’s request to expunge from the record certain papers and exhibits is *granted*; and

FUTHER ORDERED that Papers 35 and 64 and Exhibits 1080, 1082, 1083, 2001, 2013, 2015, 2018, 2019, 2036–2041, 2043, 2048, 2063, 2064, 2067, 2069, 2070, 2072, 2073, 2075, 2076, 2092, 2141–2144, 2147, 2162–2199, 2214–2225, 2232, and 2238 are expunged from the record.

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