

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BIOCON BIOLOGICS INC.,
Petitioner

v.

REGENERON PHARMACEUTICALS, INC.,
Patent Owner

Inter Partes Review No.: IPR2024-00201

U.S. Patent No. 10,888,601 B2
Filed: April 29, 2019
Issued: January 12, 2021
Inventor: George D. Yancopoulos

Title: USE OF A VEGF ANTAGONIST TO TREAT
ANGIOGENIC EYE DISORDERS

PETITIONER'S MOTION TO SEAL

37 C.F.R. §§ 42.14 & 42.54

Pursuant to 37 C.F.R. §§ 42.14 & 42.54, Petitioner Biocon Biologics Inc. (“Petitioner”) moves to seal Exhibit 1062, filed herewith. Exhibit 1062 is an excerpt of the Pretrial Memorandum submitted in the district court litigation captioned *Regeneron Pharmaceuticals, Inc. v. Mylan Pharmaceuticals Inc.*, No. 22-cv-61 (N.D.W. Va. May 26, 2023), which was designated as CONFIDENTIAL and filed under seal by Patent Owner in that matter. This exhibit was filed concurrently with Petitioner’s Petition in *Inter Partes* Review No. IPR2024-00201.

The Board may seal documents for good cause. *See* 37 C.F.R. § 42.54(a); *Garmin v. Cuozzo*, IPR2012-00001, Paper 36, 8-9 (2013). “The rules aim to strike a balance between the public’s interest in maintaining a complete and understandable file history and the parties’ interest in protecting truly sensitive information.” Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48760 (2012). The public’s interest in having access to confidential business information that is only indirectly related to patentability is “minimal.” *Garmin v. Cuozzo*, IPR2012-00001, Paper 36, 8-9 (2013) (granting a motion to seal an agreement relating to the “commercializ[ation]” of the patent-at-issue).

The information that Petitioner seeks to seal has been designated as CONFIDENTIAL by Patent Owner in the district court litigation pending between Petitioner and Patent Owner in the Northern District of West Virginia, Civil Action No. 22-cv-00061-TSK-JPM. Therefore, out of respect for Patent Owner’s

designation of the document as confidential, Petitioner seeks to maintain the same under seal in the pending *inter partes* review proceeding. It is Petitioner's understanding good cause exists to seal portions of Exhibit 1062 as submitted.

Thus, out of respect for Patent Owner's confidential designation of Exhibit 1062 in the district court litigation, Petitioner respectfully requests that the Board grant its motion to seal Exhibit 1062 filed concurrently herewith.

Dated: November 20, 2023

Respectfully Submitted,

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Counsel for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing
PETITIONER'S MOTION TO SEAL WAS served on November 20, 2023, via
FedEx Priority Overnight on the Patent Owner at the correspondence address of
record for U.S. Patent No. 10,888,601 B2 as evidenced in Patent Center:

A&P - Regeneron (Prosecution)
601 Massachusetts Ave., NW
Washington, DC 20001-3743

/Paul J. Molino/

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