UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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DR. REDDY'S LABORATORIES, S.A. AND
DR. REDDY'S LABORATORIES, INC.,
Petitioners,

v.

EYE THERAPIES, LLC,
Patent Owner.

_____

Case No.: IPR2024-00563

U.S. Patent No.: 11,596,600

PETITIONERS' MOTION TO SEAL

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Petitioners Dr. Reddy's Laboratories, S.A. and Dr. Reddy's Laboratories, Inc. respectfully request that the Board seal the confidential versions of Petitioners' Exhibit Nos. 1129, 1162, 1171, 1176, 1188, 1196, 1197, and 1198 filed herewith. The portions of the Exhibits that Petitioners seek to seal contain information that Patent Owner has identified as confidential pursuant to the proposed protective order in this proceeding.

Under 35 U.S.C. § 316(a)(1), the default rule is that all papers filed in an *inter partes* review are available to the public, but parties may file a motion to seal confidential information. *See also* 37 C.F.R. § 42.14 (2021). "The standard for granting a motion to seal is 'for good cause.'" *Garmin v. Cuozzo*, IPR2012-00001, Paper No. 34 (P.T.A.B. Mar. 14, 2013). The Office Patent Trial Practice Guide states that the rules "identify confidential information in a manner consistent with Federal Rule of Civil Procedure 26(c)(1)(G), which provides for protective orders for trade secret, or other confidential rese arch, development, or commercial information." 77 Fed. Reg. 48756, 48760 (2012).

On December 3, 2024, Patent Owner filed with its Patent Owner's Response and exhibits a Motion to Seal and Enter Stipulated Proposed Protective Order. Paper No. 20. With its Response and Motion to Seal, Patent Owner identified and served various documents containing information that it identified has being non-public excerpts of regulatory documents submitted by Bausch & Lomb, Patent

Owner's real-party-in interest, and Bausch & Lomb's sensitive business and financial information. Paper 20, p. 2. Petitioners did not oppose that motion. In this motion, Petitioners seek to seal documents that contain information that Patent Owners have identified as confidential pursuant to the proposed protective order.

I. Identification of Confidential Information

Petitioners seek to seal Exhibits Nos. 1176, 1196, and 1197 in their entirety and portions of Exhibits Nos. 1129, 1162, 1171, 1188, and 1198.

Exhibit No. 1129 is the Declaration of Robert J. Noecker, submitted in IPR2022-00142, which was previously sealed by Patent Owner in IPR2022-00142. A redacted version of Exhibit 1129 is being publicly filed concurrently with this motion.

Exhibit No. 1162 is the Expert Declaration of Ivan T. Hofmann, submitted in support of Petitioners' Reply. Mr. Hofmann's declaration addresses information that Patent Owner has identified as confidential, including information that was filed under seal with the Patent Owner's Response. A redacted version of Exhibit 1162 is being publicly filed concurrently with this motion.

Exhibit No. 1171 is the Expert Declaration of Ivan T. Hofmann, submitted in IPR2022-00142, which addresses information that Patent Owner has identified as confidential, including information that was filed under seal with the Patent Owner's Response. A redacted version of Exhibit 1171 is being publicly filed

concurrently with this motion.

Exhibit No. 1176 is the January 30, 2025 Deposition Transcript of John Ferris, which addresses information that Patent Owner has identified as confidential, including information that was filed under seal with the Patent Owner's Response.

Exhibit No. 1188 is the November 2, 2022 Deposition Transcript of John Ferris, taken in IPR2022-00142, which addresses information that Patent Owner has identified as confidential, including information that was filed under seal with the Patent Owner's Response. A redacted version of Exhibit 1188 is being publicly filed concurrently with this motion.

Exhibit No. 1176 is the January 4, 2025 Deposition Transcript of John Ferris, which addresses information that Patent Owner has identified as confidential, including information that was filed under seal with the Patent Owner's Response.

Exhibit No. 1196 is the January 4, 2024 Deposition Transcript of John Ferris, which addresses information that Patent Owner has identified as confidential, including information that was filed under seal with the Patent Owner's Response.

II. Good Cause Exists for Sealing the Confidential Information

Petitioners' Exhibit Nos. 1129, 1162, 1171, 1176, 1188, 1196, 1197, and 1198

contain information that Patent Owner has identified as being confidential and sensitive competitive market analysis, business strategy, and financial information of Bausch & Lomb relating to Lumify®. According to Patent Owner, good cause exists to seal this confidential information because it contains details about Bausch & Lomb's sensitive business information, which is essential to the running of the business. Paper No. 20, pp. 5-9. Based on Patent Owner's representations, this information would be valuable to Bausch & Lomb's competitors and harmful to the company if made public. *Id*. Therefore, Petitioners request that the Board seal the unredacted versions of Exhibit Nos. 1129, 1162, 1171, 1176, 1188, 1196, 1197, and 1198.

III. Certification of Conference with Opposing Party Pursuant to 37 C.F.R. § 42.54

Petitioners reached out to Patent Owner to confer. Patent Owner did not respond to Petitioners' requests.

IV. Conclusion

For the reasons set forth above, Petitioner respectively requests that the Board grant this motion to seal.

Dated: February 25, 2025 Respectfully submitted,

By: */Linnea P. Cipriano/*

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CERTIFICATE OF SERVICE

I, Linnea P. Cipriano, certify that I caused to be served a true and correct copy of the foregoing **PETITIONERS' MOTION TO SEAL** by email, as follows:

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February 25, 2025

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