

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARLA FOODS AMBA,
Petitioner

v.

LEPRINO FOODS COMPANY,
Patent Owner

IPR2025-01199
Patent 11,825,860 B1

Before GRACE KARAFFA OBERMANN, JO-ANNE M. KOKOSKI,
and KIMBERLY McGRAW, *Administrative Patent Judges*.

OBERMANN, *Administrative Patent Judge*.

ORDER

Granting Joint Request for Entry of Board's Default Protective Order
37 C.F.R. §§ 42.5; 42.54

The parties jointly move for entry of the Board's default protective order. Paper 19 ("the Motion"). No motion to seal a paper or exhibit was filed with the Motion.¹ The parties, however, represent that entry of a protective order is necessary at this juncture to facilitate the exchange of confidential information during discovery. Paper 19 at 1 (anticipating that information served in this proceeding will include confidential information). Based on that representation, we determine that entry of the Board's default protective order is appropriate.

Within ten (10) business days of entry of this Order, the parties shall execute and jointly file a copy of the Board's default protective order in this proceeding. *See* Patent Trial and Appeal Board Consolidated Trial Practice Guide 117–112 (Nov. 2019) (Appendix B).² That Default Protective Order shall govern the service, exchange, and filing of confidential information in this proceeding.

Any paper or exhibit filed under seal pursuant to the Default Protective Order shall be maintained as *provisionally* sealed until the Board rules on a corresponding motion to seal, which shall be filed, as set forth below, by the owner of the assertedly confidential information.

No later than ten (10) business days after a paper or exhibit is filed under seal in this proceeding, the owner of the information sought to be sealed shall file a corresponding motion to seal that complies with the requirements articulated in *Argentum Pharm. LLC v. Alcon Research, Ltd.*, IPR2017-01053, Paper 27 (PTAB

¹ Our rules contemplate entry of a protective order only when filed concurrently with a motion to seal a paper or exhibit. 37 C.F.R. § 42.54. We exercise our authority to suspend that requirement in order to facilitate the just, speedy, and inexpensive resolution of this proceeding. *Id.* at § 42.5.

² Available at <https://www.uspto.gov/sites/default/files/documents/tpgnov.pdf?MURL=TrialsPracticeGuideConsolidated>.

Jan. 19, 2018) (informative) (“*Argentum*”); *see Trans Ova Genetics, LC., v. XY, LLC*, IPR2018-00250, Paper 24 (PTAB January 8, 2019) (following *Argentum*).

The movant shall concurrently file a redacted, public version of the paper or exhibit sought to be sealed. Failure to timely file a motion to seal or a redacted, public version of the paper or exhibit sought to be sealed may result in a waiver of confidentiality, resulting in the unredacted paper or exhibit being made available for public access.

It is

ORDERED that the parties’ joint motion for entry of the Board’s default protective order (Paper 19) is *granted*;

FURTHER ORDERED that within ten (10) business days of entry of this Order the parties shall execute and jointly file a copy of the Board’s default protective order;

FURTHER ORDERED that the Default Protective Order so filed shall govern the exchange, service, and filing of confidential information in this proceeding;

FURTHER ORDERED that every paper or exhibit filed under seal in this proceeding shall be accompanied by the filing of a timely motion to seal, as well as a redacted, public version of the paper or exhibit, as set forth in this Order;

FURTHER ORDERED that any paper or exhibit filed under seal pursuant to the Default Protective Order shall be maintained as *provisionally* sealed until the Board rules on a corresponding motion to seal; and

FURTHER ORDERED that a failure to timely file a motion to seal as set forth in this Order may result in a waiver of confidentiality, resulting in the unredacted paper or exhibit being made available for public access.

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