

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SYNGENTA CROP PROTECTION AG,
Petitioner,

v.

UPL LTD.,
Patent Owner.,

Case PGR2023-00017
Patent No. 11,445,727

PATENT OWNER'S MOTION TO SEAL

Patent Owner UPL Ltd. requests that the confidential versions of Patent Owner's Sur-Reply be sealed under 37 C.F.R. § 42.54. The redacted information is based on Petitioner's Exhibits 1031-1033 that Petitioner contends contain confidential information. Patent Owner files this motion to respect Petitioner's confidentiality designations, but because the information was prepared specifically for the purposes of this proceeding at the direction of Petitioner's counsel (EX2018, 31:16-33:21), it is not within the scope of "confidential information" under 37 CFR § 42.2 ("*Confidential information* means trade secret or other confidential research, development, or commercial information.").

I. Identification of Confidential Information

The information to be sealed consists of what Petitioner has identified as its allegedly confidential information. This information is contained in the following documents:

- Patent Owner's Sur-Reply in pages 19, 22, 25, and 26.

II. Sealing the Confidential Information

Patent Owner seeks to seal the portions of Patent Owner's Sur-Reply (pages 19, 22, 25, and 26), which cite, reproduce, or substantially describe what Petitioner has identified as its allegedly confidential information about testing conducted by Petitioner specifically for the purposes of this proceeding. Patent Owner seeks to

seal only the portions of Patent Owner's Sur-Reply that includes this allegedly confidential information.

III. CERTIFICATION OF NON-PUBLICATION

The undersigned counsel certifies the information sought to be sealed by this Motion to Seal has not, to their knowledge, been published or otherwise made public.

IV. CONCLUSION

For the reasons set forth above, Patent Owner respectfully requests the Board grant this Motion to Seal.

Respectfully submitted,

Dated: March 15, 2024

/Mark J. Feldstein/
Mark J. Feldstein, Reg. No. 46,693
Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.

Lead Counsel for Patent Owner
UPL Ltd.

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **Patent Owner's Motion to Seal** was served electronically via email on March 15, 2024, in its entirety on the following:

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Petitioner has consented to electronic service.

Dated: March 15, 2024

/William Esper/
William Esper
Case Manager and PTAB Coordinator
Finnegan, Henderson, Farabow,
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