

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INARI AGRICULTURE, INC.,
Petitioner,

v.

CORTEVA AGRISCIENCE LLC,
Patent Owner.

PGR2023-00022
Patent 11,371,055 B2

Before MICHAEL J. FITZPATRICK, ZHENYU YANG, and
DEVON ZASTROW NEWMAN, *Administrative Patent Judges*.

NEWMAN, *Administrative Patent Judge*.

ORDER
Granting Patent Owner's Unopposed Motion to Seal
37 C.F.R. §§ 42.14, 42.54

I. INTRODUCTION

Patent Owner filed a Second Unopposed Motion to Seal (Paper 28, “Motion to Seal”), in which Patent Owner moves to seal Petitioner’s Reply to Patent Owner’s Response (“Reply,” Paper 27) and Exhibit 1045. Patent Owner represents that Petitioner does not oppose the Motion to Seal. Paper 28, 1.

For the reasons discussed below, we *grant* Patent Owner’s Motion to Seal.

II. MOTION TO SEAL

The record of a post-grant review shall be made available to the public, except as otherwise ordered, and any documents filed with a motion to seal shall be treated as sealed until the motion is decided. 35 U.S.C. § 326(a)(1); 37 C.F.R. § 42.14. Only “confidential information” may be protected against public disclosure. 35 U.S.C. § 326(a)(7); 37 C.F.R. § 42.54. The Board observes a strong public policy in favor of making information filed in its proceedings open to the public. *See Argentum Pharms. LLC v. Alcon Research, Ltd.*, IPR2017-01053, Paper 27, at 3–4 (PTAB Jan. 19, 2018) (informative).

The standard for granting a motion to seal is “good cause.” 37 C.F.R. § 42.54(a). The moving party bears the burden of showing that the relief requested should be granted. 37 C.F.R. § 42.20(c).

Patent Owner explains that Petitioner’s Reply and Exhibit 1045 contain confidential information that “pertains to proprietary protein research information that is not publicly available.” Paper 28, 3. Further,

Patent Owner asserts that disclosure of such information “would create a competitive disadvantage for Patent Owner.” *Id.* at 5. Moreover, Patent Owner asserts that Petitioner will publicly file redacted versions of Petitioner’s Reply and Exhibit 1045, copies of which are attached to Patent Owner’s Motion as Appendices A and B. *Id.* at 1.

Upon review of Petitioner’s Reply and Exhibit 1045, we are persuaded that good cause exists to seal these documents because, on balance, the facts weigh in favor of Patent Owner’s interest in maintaining confidentiality.

III. ORDER

Accordingly, it is

ORDERED that Patent Owner’s Motion to Seal is *granted* with respect to Petitioner’s Reply to Patent Owner’s Response (Paper 27) and Exhibit 1045; and

FURTHER ORDERED that Petitioner within ten days of the issuance of this Order, file the proposed redacted Petitioner’s Reply to Patent Owner’s Response (Appendix A) and Exhibit 1045 (Appendix B).

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