

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 Fourth Unopposed Motion to Seal
37 C.F.R. §§ 42.14, 42.54

I. INTRODUCTION

Patent Owner filed a Fourth Unopposed Motion to Seal (Paper 42, “Motion to Seal”), in which Patent Owner moves to seal the confidential version of Exhibit 1046, Petitioner’s demonstrative exhibits. Patent Owner represents that Petitioner does not oppose the Motion to Seal. Paper 42, 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. 35 U.S.C. § 326(a)(1); *see also 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 Exhibit 1046 contains confidential information that “pertains to proprietary protein research information that is not publicly available.” Paper 42, 3. Further, Patent Owner asserts that disclosure of such information “would create a competitive disadvantage for

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Patent Owner.” *Id.* at 5. Moreover, Petitioner has filed a redacted public version of Exhibit 1046. *Id.* at 1.

Upon review of Exhibit 1046, we are persuaded that good cause exists to seal this document 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 Exhibit 1046.

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