

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 Fifth Unopposed Motion to Seal (Paper 44, “Motion to Seal”), in which Patent Owner moves to seal portions of the Oral Argument Transcript of the hearing held July 22, 2024. Patent Owner submits as Exhibit 2100 a proposed redacted transcript showing the redactions Patent Owner requests to protect information Patent Owner identifies as confidential business information. Motion to Seal 5. Patent Owner represents that Petitioner does not oppose the Motion to Seal. *Id.* at 2.

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 Consolidated Trial Practice Guide*¹ at 100; *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.

¹ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

§ 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 the identified portions of the transcript “are limited and discuss only confidential information from the previously sealed versions of Petitioner’s Reply, the Reply Declaration of Dr. Silverstone, Patent Owner’s Sur-Reply, and Exhibit 2089,” making these redactions necessary for the same reasons that persuaded us to allow sealing of this information in our previous orders authorizing sealing. *See, e.g.*, Papers 29, 39, 43. Further, Patent Owner asserts that disclosure of such information “would create a competitive disadvantage for Patent Owner.” *Id.* at 5.

Upon review of Petitioner’s Motion and proposed redacted transcript, as reflected in Exhibit 2100, we are persuaded that good cause exists to publish a redacted version of the Oral Argument Transcript 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 the Oral Argument Transcript.

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