

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CONJUPRO BIOTHERAPEUTICS, INC.,
Petitioner,

v.

ASCLETIS PHARMA CHINA CO. LTD.,
Patent Owner.

Case No. PGR2025-00057

Patent No. 12,234,236

Title: GLP-1R agonist and therapeutic method thereof

**PATENT OWNER'S UNOPPOSED MOTION TO SEAL AND FOR ENTRY
OF AGREED PROTECTIVE ORDER**

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.54 and the Board’s May 7, 2026, authorization, Patent Owner, Ascleitis Pharma China Co. Ltd. (“Ascleitis”) respectfully submits this unopposed motion to seal EX2086. Below, Patent Owner explains that good cause exists for filing and maintaining this content under seal. Patent Owner further moves for entry of the parties’ proposed Protective Order. It is understood that, once a protective order has been entered, both parties will be provided with access to the confidential information, subject to the provisions of the protective order. The Proposed Protective Order has been filed as Exhibit 2084, with a version showing redlines as against the Board’s Default Protective Order filed as Exhibit 2085. Petitioner consents to the Proposed Protective Order.

II. APPLICABLE LEGAL PRINCIPLES FOR SEALING CONFIDENTIAL INFORMATION

There is a strong public policy for making all information filed in an administrative proceeding open to the public, especially in a post-grant review which determines the patentability of claims in a patent and therefore affects the rights of the public. *See e.g., St. Jude Med., Cardiology Div., Inc. v. Volcano Corp.*, IPR2013-00258, Paper 28, 2 (PTAB Aug. 12, 2013). Under 35 U.S.C. § 326(a)(1), the default rule is that all papers filed in a post-grant review are open and available for access by the public, and a party may file a concurrent motion to seal and the information at issue is sealed pending the outcome of the motion. *Id.*

However, “confidential information” may be protected from disclosure. 35 U.S.C. § 326(a)(7) (“The Director shall prescribe regulations . . . providing for protective orders governing the exchange and submission of confidential information”). In that regard, the Patent Trial and Appeal Board Consolidated Trial Practice Guide (Nov. 2019) provides:

The rules aim to strike a balance between the public’s interest in maintaining a complete and understandable file history and the parties’ interest in protecting truly sensitive information.

* * *

Confidential Information: The rules identify confidential information in a manner consistent with Federal Rule of Civil Procedure 26(c)(1)(G), which provides for protective orders for trade secret or other confidential research, development, or commercial information. 37 C.F.R. § 42.54.

The standard for granting a motion to seal is “good cause.” 37 C.F.R. § 42.54.

The Board has applied a four-pronged test in assessing motions to seal:

a movant to seal must demonstrate adequately that (1) the information sought to be sealed is truly confidential, (2) a concrete harm would result upon public disclosure, (3) there exists a genuine need to rely in the trial on the specific information sought to be sealed, and (4) on balance, an interest in maintaining confidentiality outweighs the strong public interest in having an open record.

Argentum Pharms. LLC v. Alcon Rsch., Ltd., IPR2017-01053, Paper 27, at 4 (PTAB Jan. 19, 2018) (informative) (citing to 37 C.F.R. § 42.54(a)).

III. GOOD CAUSE EXISTS FOR SEALING EXHIBIT 2086

Patent Owner respectfully requests to seal in full Exhibit 2086 as it comprises confidential information of Ascletis including a “trade secret [and] other confidential research, development, or commercial information not to be revealed” 37 C.F.R. § 42.54(a)(7). The confidential information includes confidential business information about the chemical composition of ASC30 that, to Patent Owner’s knowledge, has been maintained in confidentiality. Public disclosure of ASC30’s chemical composition would cause a concrete harm to Ascletis, by allowing competitors to take advantage of Ascletis’ research. There exists a genuine need to rely in the trial on the specific information sought to be sealed, which relates to secondary considerations of nonobviousness, particularly unexpected results. In addition, aside from addressing Petitioner’s questions regarding the composition ASC30, ASC30’s composition has no relevance to these proceedings or the public’s interest in these proceedings. Patent Owner’s interests in maintaining confidentiality therefore outweigh the strong public interest in having an open record. For the foregoing reasons, Patent Owner seeks to designate the declaration, Exhibit 2086, as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES-ONLY INFORMATION” pursuant to the Proposed Stipulated Protective Order (EX2084).

IV. CERTIFICATION OF NON-PUBLICATION

To the best of Patent Owner's knowledge, the information sought to be sealed has not been published or otherwise made public and the confidentiality of this information has been consistently maintained by the Patent Owner.

V. CERTIFICATION OF CONFERENCE WITH OPPOSING PARTY PURSUANT TO 37 C.F.R. §42.54 AND PROPOSED PROTECTIVE ORDER

Patent Owner has conferred with Petitioner and reached agreement as to the terms and the scope of the Proposed Protective Order (EX2084). In addition, Petitioner indicated that it does not oppose this motion. Accordingly, Patent Owner moves for entry of the Proposed Protective Order and for the Board to grant Patent Owner's motion to seal.

The Proposed Protective Order is modeled after the default protective order set forth in the Patent Trial and Appeal Board Consolidated Trial Practice Guide (Nov. 2019) to govern the handling of confidential information in this proceeding, with additional restrictions including a designation for Attorneys' Eyes Only information to prevent this information from being disclosed to potential competitors or competitive decision-makers of Petitioner. The Second Declaration of John Gargiulo, EX2086, is "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES-ONLY" information for the reasons described above and has been designated accordingly under the Proposed Protective Order.

Should the Board be inclined to deny the present Motion to Seal and for Entry of Agreed Protective Order, Patent Owner respectfully requests a conference call with the Board to discuss any concerns prior to the Board issuing a decision on the Motion.

VI. CONCLUSION

For the above reasons, Patent Owner respectfully requests that Exhibit 2086 be treated as confidential information and be placed under seal.

Dated: May 7, 2026

Respectfully submitted,

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Counsel for Patent Owner

CERTIFICATION OF SERVICE UNDER 37 C.F.R. §§ 42.6(e), 42.205(a)

I, Geoffrey D. Biegler, hereby certify that on this 7th day of May, 2026, the foregoing **PATENT OWNER'S UNOPPOSED MOTION TO SEAL AND FOR ENTRY OF AGREED PROTECTIVE ORDER** was served electronically via email on the following:

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