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Paper: 47
Date: August 10, 2026

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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CONJUPRO BIOTHERPEUTIS, INC.,
Petitioner,

v.

ASCLETIS PHARMA CHINA CO. LTD.,
Patent Owner.

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PGR2025-00057
Patent 12,234,236 B1

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Before CHRISTOPHER M. KAISER, TAWEN CHANG, and RYAN H. FLAX, *Administrative Patent Judges*.

CHANG, *Administrative Patent Judge*.

ORDER
Granting Patent Owner's Unopposed Motions to Seal and for Entry of Agreed Protective Order
37 C.F.R. §§ 42.14, 42.54

I. INTRODUCTION

On May 7, 2026, Patent Owner filed a Motion to Seal and for Entry of Protective Order, attaching as Exhibit 2084 a "Proposed Stipulated Protective Order." Paper 33; Ex. 2084. The Proposed Stipulated Protective Order is a modified version of the default Protective Order made available by the Board. Paper 33, 1; Ex. 2085 (redline of Proposed Stipulated Protective Order as compared to default Protective Order). In the motion, Patent Owner seeks to designate Exhibit 2086 as "HIGHLY CONFIDENTIAL – OUTSIDE ATTORNEYS' EYES-ONLY INFORMATION" under the Proposed Stipulated Protective Order. Paper 33, 3.

On July 9, 2026, Patent Owner filed a second, unopposed Motion to Seal, seeking to designate portions of its Sur-Reply as "HIGHLY CONFIDENTIAL – OUTSIDE ATTORNEYS' EYES-ONLY INFORMATION" under the Proposed Stipulated Protective Order and to seal the unredacted version of the Sur-Reply. Paper 38.

For the reasons discussed below, we grant Patent Owner's motions and enter the Proposed Stipulated Protective Order in this proceeding.

II. LEGAL STANDARDS

The Board recognizes "a strong public policy for making all information filed in a quasi-judicial administrative proceeding open to the public, especially in an inter partes review which determines the patentability of claims in an issued patent and therefore affects the rights of the public." *Garmin International, Inc. v. Cuozzo Speed Technologies LLC*, IPR2012-00001, Paper 34, 1–2 (PTAB March 14, 2013). Under 35 U.S.C.

§ 316(a)(1), the default rule is that all papers filed in an inter partes review are open and available for access by the public.

Nevertheless, a party may file a motion to seal truly sensitive information. *See* 37 C.F.R. § 42.14; Trial Practice Guide[1] § I.E. Under the rules governing this proceeding, confidential information is identified "in a manner consistent with Federal Rules of Civil Procedure 26(c)(1)(G), which provides for protective orders for trade secret or other confidential research, development, or commercial information." Trial Practice Guide § I.E.2 (citing 37 C.F.R. § 42.54).

The standard for granting a motion to seal is "for good cause," and the moving party has the burden of showing that it is entitled to the requested relief. 37 C.F.R. §§ 42.20(c), 42.54. Under the good cause standard,

> 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 Res., Ltd., IPR2017-01053, Paper 27 (PTAB January 19, 2018) (informative), 4.

III. ANALYSIS

A. Exhibit 2086

Patent Owner contends that Exhibit 2086 comprises "trade secret [and] other confidential research, development, or commercial

[1] Available at www.uspto.gov/patents/ptab/trial-practice-guide.

information," in particular "confidential business information about the chemical composition of ASC30," a drug that Patent Owner is developing. Paper 33, 3; Paper 26, 57. Patent Owner asserts that "[p]ublic disclosure of ASC30's chemical composition would cause a concrete harm to Ascletis, by allowing competitors to take advantage of Ascletis' research." Paper 33, 3.

Patent Owner states that it has a genuine need to rely on the confidential information in the trial to support its arguments relating to secondary considerations of obviousness and certifies that, to the best of its 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." Paper 33, 3–4.

Having reviewed Exhibit 2086, we agree it contains the type of research and development information that businesses typically keep confidential to avoid competitive harm. Furthermore, Petitioner does not oppose Patent Owner's motion. Paper 33, 4. For the above reasons, we find that Patent Owner has established good cause to seal Exhibit 2086 and accordingly grant Patent Owner's Motion to Seal with respect to this exhibit.

B. Patent Owner's Sur-Reply

Patent Owner seeks to seal "four sentences in its Sur-Reply which include or reveal the same confidential business information" at issue in Exhibit 2086, in particular the chemical composition of Patent Owner's clinical drug candidate, ASC30. Paper 38, 2–3. Patent Owner has filed a public version of the Sur-Reply with these

sentences redacted. Paper 40. Petitioner does not oppose Patent Owner's motion. Paper 38, 4. For the same reasons set forth above with regard to the sealing of Exhibit 2086, we find Patent Owner has established good cause to seal the redacted material in its Sur-Reply. Accordingly, we grant Patent Owner's motion to seal its unredacted Sur-Reply (Paper 39).

C. Proposed Stipulated Protective Order

"The Board may, for good cause, issue an order to protect a party or person from disclosing confidential information." 37 C.F.R. § 42.54(a).

The Proposed Stipulated Protective Order differs from the default Protective Order, among other things, in the addition of a class of confidential information, ""HIGHLY CONFIDENTIAL – OUTSIDE ATTORNEYS' EYES-ONLY INFORMATION," i.e., "extremely sensitive confidential information, disclosure of which to another party or non-party would create a substantial risk of serious harm that could not be avoided by less restrictive means." Ex. 2085, 2. Access to such information is limited to "Party Representatives," "Experts," "Support Personnel" of the foregoing persons, and "The Office," as those terms are defined in the Proposed Stipulated Protective Order. *Id.* at 2–4.

The Proposed Stipulated Protective Order further requires "each party receiving confidential information"[2] to return, or certify the destruction of, all copies of the confidential information to the producing party within 60 days of the final disposition of this proceeding, with a limited exception as to Party Representatives. Ex. 2085, 7.

[2] We clarify that "party" does not include The Office.

For the same reasons we have granted Patent Owner's Motions to Seal, and because Petitioner has stipulated to the Proposed Stipuated Protective Order, we find that good cause exists to enter the Proposed Stipulated Protective Order, Exhibit 2084, filed with Patent Owner's May 7, 2026 Motion to Seal and for Entry of Protective Order. Patent Owner's motion is consequently granted with respect to the entry of the Proposed Stipulated Protective Order in this proceeding.

We remind the parties that confidential information that is subject to a protective order ordinarily becomes public 45 days after final judgment in a trial.[3] *See* Trial Practice Guide § I.E.6. There is an expectation that information will be made public where the existence of the information is identified in a final written decision.[4] *Id.* A party seeking to maintain the confidentiality of the information, however, may file a motion to expunge the information from the record prior to the information becoming public. *Id.*; 37 C.F.R. § 42.56.

Accordingly, it is ORDERED that:

Patent Owner's Unopposed Motion to Seal and for Entry of Agreed Protective Order (Paper 33) is granted;

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[3] For purposes of this order, final judgment includes conclusion of any appeal.

[4] In its July 9, 2026 Unopposed Motion to Seal, Patent Owner notes that "[t]he Board has previously relied upon confidential information in a Final Written Decision while maintaining confidential information under seal." Paper 38, 3. However, the decision of whether to maintain under seal information relied upon in a Final Written Decision is based on the particular circumstances of a case.

FURTHER ORDERED that Patent Owner's Unopposed Motion to Seal its Sur-Reply (Paper 38) is granted; and

FURTHER ORDERED that the Proposed Stipulated Protective Order provided as Exhibit 2084 is entered in this post grant review.

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