

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GREEN CROSS CORPORATION,  
Petitioner,

v.

SHIRE HUMAN GENETIC THERAPIES, INC.,  
Patent Owner.

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Case IPR2016-00258  
Patent 9,051,556 B2

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Before LORA M. GREEN and ROBERT A. POLLOCK,  
*Administrative Patent Judges.*

POLLOCK, *Administrative Patent Judge.*

ORDER

*Granting in Part Patent Owner's Motion to Seal (Paper 38)*  
*37 C.F.R. §§ 42.14 and 42.54*

In our Order of March 22, 2017, we provisionally granted Patent Owner's Motion to Seal Confidential Exhibits (Paper 38) with respect to Exhibits 2101–02, 2104–10, 2113, and 2120. Paper 90, 5. In particular, we stated that within 14 days of that Order, Patent Owner may provide redacted, public versions of Exhibits 2101–02, 2104–10, 2113, and 2120 for the Board's inspection. *Id.* By telephone

communication to the Board dated March 29, 2017, Patent Owner noted that public and private versions of these exhibits are already listed in the record. Having reviewed the public and private versions of those exhibits, we grant Patent Owner's motion with respect to those versions of Exhibits 2101–02, 2104, 2105, 2107–10, 2113, and 2120 that are presently designated Board and Parties Only.

Exhibit 2106, graphically depicts the peptide analysis data for I2S batch Run 80, and is extensively relied upon by Patent Owner and Patent Owner's experts. *See* Prelim. Resp. 75–76, 86; Ex. 2014 ¶¶ 16; Ex. 2016 ¶ 13; Ex. 2017 ¶ 19. Although Patent Owner focuses on the figure at page 4 of Exhibit 2106, which is reproduced at page 76 of the Preliminary Response and at Exhibit 2014 ¶ 16, we find that the highlighted figure is best understood in the context of the entire document. Because the information sought to be protected is central to our Final Written Decision (Paper 89), we find that Patent Owner's desire for confidentiality is largely outweighed by the strong public interest in having an open record. Accordingly, we deny Patent Owner's Motion with respect to Exhibit 2106.

Accordingly, and further to our Order of March 22, 2017, it is:

ORDERED that Patent Owner's Motion to Seal Confidential Exhibits (Paper 38) is granted with respect to those versions of Exhibits 2101–02, 2104, 2105, 2107–10, 2113, and 2120 that are presently designated Board and Parties Only;

FURTHER ORDERED that Patent Owner's Motion to Seal Confidential Exhibits is denied with respect to Exhibit 2106.

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