

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ARGENTUM PHARMACEUTICALS LLC,  
APOTEX INC., AND APOTEX CORP.  
Petitioners

v.

ALCON RESEARCH, LTD.  
Patent Owner

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Case IPR2016-00544<sup>1</sup>  
Patent No. 8,791,154 B2

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**JOINT REQUEST THAT SETTLEMENT AGREEMENT (EX. 2005) BE  
TREATED AS BUSINESS CONFIDENTIAL INFORMATION AND KEPT  
SEPARATE UNDER 35 U.S.C. § 317(b) AND 37 C.F.R. § 42.74(c)**

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), Petitioners Apotex Inc. and Apotex Corp. (“Apotex”) and Patent Owner Alcon Research, Ltd. (“Alcon”) jointly request that the settlement agreement filed concurrently as Exhibit 2005, and referenced in the concurrently-filed Joint Motion to Terminate

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<sup>1</sup> Petitioners Apotex Inc. and Apotex Corp. from IPR2016-01640 have been joined as a Petitioner to this proceeding.

Case IPR2016-00544

U.S. Patent No. 8,791,154

Proceeding Pursuant to 35 U.S.C. § 317, be treated as business confidential information and kept separate from the files of the involved patent and IPR2016-00544, and only made available to Federal Government agencies upon written request or to any other person upon written request and a showing of good cause.

Furthermore, the Board, in its email of November 29, 2016, authorized the parties to upload the settlement agreements as available to the Board only in order to protect the settlement agreements from being viewed by the public or by any party to this proceeding. The parties request that the settlement agreements be maintained as accessible to the Board only, and not by the public or by any party to this proceeding.

Dated: November 30, 2016

Respectfully submitted,

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Lead Counsel for Petitioners  
Apotex Inc. and Apotex Corp.

**CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))**

The undersigned hereby certifies that the foregoing “JOINT REQUEST THAT SETTLEMENT AGREEMENT (EX. 2005) BE TREATED AS BUSINESS CONFIDENTIAL INFORMATION AND KEPT SEPARATE UNDER 35 U.S.C. § 317(b) AND 37 C.F.R. § 42.74(c)” was served on November 30, 2016, by filing this document through the PTAB E2E system as well as delivering a copy via electronic mail to the following attorneys of record for the Petitioner:

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