

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
Petitioner

v.

GENENTECH, INC. AND CITY OF HOPE,
Patent Owners

Case IPR2016-00710
Patent 6,331,415

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

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), Petitioner Mylan Pharmaceuticals Inc. (“Mylan” or “Petitioner”) and Patent Owner Genentech, Inc. (“Genentech”) jointly request that the Settlement Agreement between them (Ex. 1089) filed concurrently herewith, as referenced in the Joint Motion to Terminate with Respect to Mylan as business confidential information, (a) be treated as business confidential information, (b) be kept separate from the file of the involved patent, and (c) be made available only as permitted pursuant to the provisions of 37 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). The Settlement Agreement is between Mylan and Genentech; Petitioner Merck Sharp & Dohme Corp. (“Merck”) is not a party to the Settlement Agreement. Thus, Mylan and Genentech further request that the Settlement Agreement be maintained as viewable to the Board Only, and in particular, not accessible by Merck.

Dated: March 13, 2017

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on March 13, 2017, the foregoing document is being served by E-mail by agreement of the parties to the following counsel of record:

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