

Filed On Behalf Of:
Novartis AG and
Hikma Pharmaceuticals International Limited

By:
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARGENTUM PHARMACEUTICALS LLC, and WEST-WARD
PHARMACEUTICALS INTERNATIONAL LIMITED n/k/a HIKMA
PHARMACEUTICALS INTERNATIONAL LIMITED
Petitioners,

v.

NOVARTIS AG
Patent Owner

Case IPR2016-01479¹
Patent No. 9,006,224

**HIKMA AND NOVARTIS'S JOINT MOTION TO TREAT
SETTLEMENT AGREEMENT (EX 2119) AS BUSINESS
CONFIDENTIAL INFORMATION PURSUANT
TO 35 U.S.C. § 317(b) AND 37 C.F.R. § 42.74(c)**

¹ IPR2017-01063 and IPR2017-01078 have been joined to this proceeding (Paper 33, September 25, 2017). Par Pharmaceutical Inc. has been terminated as a party to this proceeding (Paper 52, February 7, 2018).

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), and pursuant to the authorization to file this motion provided in an email from the Board dated September 30, 2020, Petitioner West-Ward Pharmaceuticals International Limited n/k/a Hikma Pharmaceuticals International Limited (“Hikma”) and Patent Owner Novartis AG (“Novartis”) jointly request that the settlement agreement between the parties – as referenced in the Joint Motion to Terminate IPR as to Hikma, filed concurrently herewith, and designated as Exhibit 2119 – be treated as business confidential information which shall be kept separate from the file of the involved patent. In view of that request, the settlement agreement has been filed for access by the “Board Only.”

For the purposes of this motion, Novartis and Hikma seek entry of a Protective Order, designated as Exhibit 2120, based on the Default Standing Protective Order; however, paragraphs 2(A)-(E) and 2(G) have been amended to reflect that only parties Novartis and Hikma and their respective party representatives and in-house counsel shall have access to confidential information, such as Exhibit 2119. Neither party’s experts nor employees shall have access to confidential information, including Exhibit 2119. In addition, neither Petitioner Argentum Pharmaceuticals LLC, nor its representatives, in-house counsel, employees, experts or support staff shall have access to exhibit 2119 which will be filed for access by the “Board Only.”

Respectfully submitted,

Dated: October 2, 2020

/Nicholas N. Kallas/

Nicholas N. Kallas (Reg. No. 31,530)

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing HIKMA AND NOVARTIS'S JOINT MOTION TO TREAT SETTLEMENT AGREEMENT (EX 2119) AS BUSINESS CONFIDENTIAL INFORMATION PURSUANT TO 35 U.S.C. § 317(b) AND 37 C.F.R. § 42.74(c) was served on October 2, 2020, by causing it to be sent by email to counsel for Petitioners at the following email addresses:

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Dated: October 2, 2020

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