

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN TECHNOLOGIES INC.,
Petitioner,

v.

MONOSOL RX, LLC,
Patent Owner.

Case IPR2017-00200
Patent No. 8,603,514

**JOINT REQUEST TO FILE SETTLEMENT AGREEMENT
AS BUSINESS CONFIDENTIAL INFORMATION AND TO MAINTAIN
SAID AGREEMENT SEPARATE FROM THE PUBLIC FILE PURSUANT
TO 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) and the Board's authorization of September 28, 2017, Petitioner Mylan Technologies, Inc. and Patent Owner MonoSol Rx, LLC, jointly request to treat as business confidential information the true and complete copy of the Settlement Agreement (Confidential Exhibit 1030) between the parties, as referenced in the parties' Joint Motion to Terminate Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74, filed concurrently herewith.

35 U.S.C. § 317(b) provides that:

At the request of a party to the proceeding, the agreement or understanding shall be treated as business confidential information, shall be kept separate from the file of the involved patents, and shall be made available only to Federal Government agencies on written request, or to any person on a showing of good cause.

Likewise, 37 C.F.R. § 42.74(c) provides that:

A party to a settlement may request that the settlement be treated as business confidential information and be kept separate from the files of an involved patent or application. The request must be filed with the settlement. If a timely request is filed, the settlement shall only be available:

(1) To a Government agency on written request to the Board; or

(2) To any other person upon written request to the Board to make the settlement agreement available, along with the fee specified in § 42.15(d) and on a showing of good cause.

The present request, which is being filed contemporaneously with the parties' Settlement Agreement, is timely and in accordance with the foregoing authority. Therefore, the parties request that the Settlement Agreement (Confidential Exhibit 1030) (i) be treated as business confidential information, (ii) be maintained separate from the publicly available file of the involved patent, and (iii) shall be made available only to Federal Government agencies on written request, or to persons showing good cause on written request, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

Dated: September 28, 2017

Respectfully submitted,

By / Steven W. Parmelee /
Steven W. Parmelee
Reg. No. 31,990
WILSON, SONSINI, GOODRICH &
ROSATI
701 Fifth Avenue, Suite 5100
Seattle, WA 98104-7036
Tel: (206)883-2500
Fax: (206) 883-2699

Attorneys for Petitioner

Case IPR2017-00200
Patent 8,603,514

By /Harold H. Fox/ _____
Harold H. Fox
Registration No. 41,498
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, NW
Washington, DC 20036-1795
Tel: (202) 429-6284
Fax: (202) 429-3902
hfox@steptoe.com

Attorneys for Patent Owner

Case IPR2017-00200
Patent 8,603,514

CERTIFICATE OF SERVICE

This is to certify that I caused to be served a true and correct copy of the foregoing Joint Request to File Settlement Agreement as Business Confidential Information and to Maintain Said Agreement Separate From the Public File Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), on this 29th day of September, 2017, on the Patent Owner at the correspondence address of the Patent Owner as follows:

Harold Fox
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, NW
Washington, DC 20036-1795
Email: hfox@steptoe.com
Email: 514MIPR@steptoe.com

Charanjit Brahma
TROUTMAN SANDERS
580 California Street, Suite 1100
San Francisco, CA 94104
Email:
charanjit.brahma@troutmansanders.com

John L. Abramic
STEPTOE & JOHNSON LLP
115 South LaSalle Street, Suite 3100
Chicago, IL 60603
Email: jabramic@steptoe.com

Dustin B. Weeks
TROUTMAN SANDERS
600 Peachtree Street, NE, Suite 5200
Atlanta, GA 30308
Email:
dustin.weeks@troutmansanders.com

Respectfully submitted,

Dated: September 29, 2017

/ Steven W. Parmelee /

Steven W. Parmelee, Lead Counsel
Reg. No. 31,990