

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC,
Petitioner

v.

ICOS CORPORATION,
Patent Owner

Case IPR2017-00323
Patent No. 6,943,166

**JOINT MOTION TO KEEP SETTLEMENT AGREEMENT
AS BUSINESS CONFIDENTIAL INFORMATION PURSUANT
TO 35 U.S.C. § 317**

Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74, Petitioner Mylan Pharmaceuticals Inc. (“Petitioner”) and Patent Owner ICOS Corporation (“Patent Owner”) (together, “the Parties”) jointly request to file the Settlement Agreements, submitted concurrently herewith as Exhibit 1038 to the Joint Motion to Terminate the Proceeding, in its entirety, as Business Confidential information. In accordance with 37 C.F.R. § 42.20(b), the Parties sought, and received, authorization via email from the Board to file this motion on July 6, 2017.

If requested, the rules permit the parties to have any filed settlement agreement treated as business confidential information and kept separate from the files of the involved patent. 37 C.F.R. § 42.74(c). Indeed, the statute requires it. 35 U.S.C. § 317(b).

Petitioner and Patent Owner hereby request that the settlement agreement filed herewith as Exhibit 1038 be treated as business confidential information, be kept separate from the file of the above captioned IPR, and be made available only to Federal Government agencies on written request, or to any person on a showing of good cause pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). In view of that request the settlement agreement has been filed for access by the “Parties and Board Only.”

Patent No. 6,943,166
Case No. IPR2017-00323

Dated: July 7, 2017

Respectfully submitted,

/ Steven W. Parmelee /

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), this is to certify that I caused to be served a true and correct copy of the foregoing Joint Motion to Keep Settlement Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317, by electronic service, on this 7th day of July 2017, on the Patent Owners as follows:

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