

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN INSTITUTIONAL INC.,

Petitioner

v.

FRESENIUS KABI USA, LLC,

Patent Owner

**CASE IPR2017-00643 (PATENT NO. 9,168,238)
CASE IPR2017-00644 (PATENT NO. 9,168,239)
CASE IPR2017-00645 (PATENT NO. 9,006,289)**

**JOINT REQUEST TO FILE SETTLEMENT AGREEMENT AS BUSINESS
CONFIDENTIAL INFORMATION 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), Petitioner Mylan and Patent Owner Fresenius Kabi USA, LLC (“Patent Owner”) (together, “the Parties”) jointly request to file the agreement between the parties, Exhibit 1058 to the concurrently filed Joint Motion to Terminate Proceedings, as business confidential information, which shall be kept separate from the file of these proceedings and the involved patents.

Respectfully submitted,

Mylan Institutional Inc.

By its attorneys

/Jitendra Malik/

Jitendra Malik (Reg. No. 55,823)
4721 Emperor Boulevard, Suite 400
Durham, North Carolina 27703
Telephone: 919-862-2210
Fax: 919-862-2260
Jitty.Malik@alston.com

*Lead Counsel for Petitioner
Mylan Institutional Inc.*

Respectfully submitted,

Fresenius Kabi USA, LLC

By its attorneys

/Imron T. Aly/

Imron T. Aly (Reg. No. 48,706)
Jason G. Harp (Reg. No. 42,634)
Attorneys for Patent Owner
233 S. Wacker Dr., Suite 6600
Chicago, IL 60606
(312)258-5600

CERTIFICATION OF SERVICE

The undersigned hereby certifies that the foregoing REQUEST TO FILE SETTLEMENT AGREEMENT AS BUSINESS CONFIDENTIAL INFORMATION PURSUANT TO 35 U.S.C. § 317(b) AND 37 C.F.R. § 42.74(c) was served electronically via e- mail on this 13th day of April, 2017, and directed to Patent Owner's Counsel of Record at the following addresses:

ialy@schiffhardin.com

jharp@schiffhardin.com

jhsu@schiffhardin.com

Dated: April 13, 2017

Respectfully submitted,

/Jitendra Malik/

Jitendra Malik, Ph.D.

Reg. No. 55,823