

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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**MYLAN INSTITUTIONAL INC.,**

**Petitioner**

**v.**

**FRESENIUS KABI USA, LLC,**

**Patent Owner**

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

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**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/

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Respectfully submitted,

Fresenius Kabi USA, LLC

By its attorneys

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## 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:

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Dated: April 13, 2017

Respectfully submitted,

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