

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LUPIN LTD. AND LUPIN PHARMACEUTICALS INC.,

Petitioner

v.

HORIZON THERAPEUTICS, LLC,

Patent Owner

Case IPR2017-01159

Patent 9,254,278

**JOINT REQUEST TO TREAT SETTLEMENT AGREEMENT AS
BUSINESS CONFIDENTIAL UNDER 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 Lupin Ltd. and Lupin Pharmaceuticals Inc. (collectively “Lupin” or “Petitioner”) and Patent Owner Horizon Therapeutics, LLC (“Horizon” or “Patent Owner”) hereby jointly request that a true copy of their settlement agreement, filed July 9, 2018 as Exhibit 2054, be treated as business confidential information and be kept separate from the file of IPR2017-01159 involving U.S. Patent 9,254,278. Concurrently with the filing of this Request, the Petitioner and Patent Owner are filing a Joint Motion to Terminate this *inter partes* review due to the settlement between the parties.

Specifically, as the parties consider the settlement agreement to contain highly sensitive business confidential information that would substantially harm their business interests if publicly disclosed, the parties hereby jointly request that the settlement agreement be kept as a separate paper to be made available only under the provisions of 35 U.S.C § 317(b) and 37 C.F.R. § 42.74(c). The settlement agreement has been filed for access by the “Parties and Board Only.” The parties further jointly request that the Board order that in the event a person or entity makes a written request, as stated in 37 C.F.R. § 42.74(c)(1)-(2), for access to the settlement agreement, that any such written request be served upon the parties on the day the written request is provided to the Board.

Respectfully submitted,

Date: 2018 July 11

By: / M.C. Phillips /

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CERTIFICATE OF SERVICE

I certify that on July 11, 2018, the foregoing JOINT REQUEST TO TREAT SETTLEMENT AGREEMENT AS BUSINESS CONFIDENTIAL UNDER 35 U.S.C. § 317(B) AND 37 C.F.R. § 42.74(C), including all papers filed therewith, have been served on the petitioner's counsel of record via email, as agreed to by counsel, as follows:

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