

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Taro Pharmaceuticals U.S.A., Inc.
Petitioner,

v.

Apotex Technologies, Inc.
Patent Owner

Case No.: IPR2017-01446
Patent No. 7,049,328

**JOINT REQUEST TO TREAT SETTLEMENT AGREEMENT AS BUSINESS
CONFIDENTIAL UNDER 35 U.S.C. § 317(B) AND
37 C.F.R. § 42.74(C)**

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), Taro Pharmaceuticals USA, Inc. (“Taro” or “Petitioner”) and Apotex Technologies, Inc. (“Apotex” or “Patent Owner”) hereby jointly request that a true copy of their settlement agreement, filed concurrently herewith as Exhibit 1069, be treated as business confidential information and be kept separate from the file of IPR2016-01446 involving U.S. Patent 7,049,328. 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.

Dated: August 6, 2018

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this August 6, 2018, I caused to be served a true and correct copy of 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)” via electronic mail on the following attorneys of record:

W. Blake Coblentz
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By: /Ryan Curiel/
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