

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARGENTUM PHARMACEUTICALS LLC

Petitioner

v.

ICOS CORPORATION,

Patent Owner

U.S. Patent No. 6,943,166 B1

Inter Partes Review No. IPR2017-01762

**JOINT MOTION TO KEEP CONFIDENTIAL AND SEPARATE
UNDER 35 U.S.C. § 317(b) AND 37 C.F.R. § 42.747(c)**

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), Petitioner and Patent Owner jointly request to file EX1039, the settlement agreement between the parties, as referenced in the Joint Motion to Terminate, as business confidential information, and to have it be kept separate from the file of the involved patent. The Parties sought, and received, authorization via email from the Board to file this motion on August 25, 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).

The Parties hereby request that the settlement agreement filed herewith as Exhibit 1039 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.”

Joint Motion to Keep Confidential and Separate, IPR2017-01762
U.S. Patent No. 6,943,166

Respectfully submitted,

Date: Aug. 28, 2017

/Kevin B. Laurence/

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e) and 42.105, the undersigned certifies that on Aug. 26, 2017, a complete copy of the foregoing Joint Motion to Keep Confidential was served on patent owner's counsel of record via e-mail, as agreed to by counsel, as follows:

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Respectfully submitted,

Dated: August 28, 2017

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