

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PAR PHARMACEUTICAL, INC.,
Petitioner

v.

HORIZON THERAPEUTICS, LLC,
Patent Owner

Case IPR2017-01769
Patent 9,326,966

**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 Par Pharmaceutical, Inc. (“Par” or “Petitioner”) and Patent Owner Horizon Therapeutics, LLC (“Horizon” or “Patent Owner”) hereby jointly request that a true copy of their settlement agreement, filed concurrently herewith as Exhibit 2058, be treated as business confidential information and be kept separate from the file of IPR2017-01769 involving U.S. Patent 9,326,966. 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 September 28

By: / M.C. Phillips /

Matthew C. Phillips
Registration No. 43,403

Robert F. Green
Reg. No. 27,555
Lead Counsel for Patent Owner

Matthew C. Phillips
Reg. No. 43,403
Backup Counsel for Patent Owner

GREEN, GRIFFITH & BORG-BREEN, LLP
City Place, Suite 3900
676 N Michigan Avenue
Chicago, Illinois 60611
Phone: (312) 883-8000
Fax: (312) 883-8001
rgreen@greengriffith.com

LAURENCE & PHILLIPS IP LAW
7327 SW Barnes Road #521
Portland, Oregon 97225
Phone: (503) 964-1129
Fax: (703) 439-1624
mphilips@lpiplaw.com

Date: 2018 September 28

By: / David Silverstein /

David Silverstein
Registration No. 61,948

David H. Silverstein
Reg. No. 61,948
Lead Counsel for Petitioner

Aziz Burgy
Reg. No. 51,514
Backup Counsel for Petitioner

AXINN, VELTROP & HARKRIDER
LLP
114 West 47th Street, 22nd Floor
New York, NY 10036
(212) 261-5651
dsilverstein@axinn.com

AXINN, VELTROP & HARKRIDER
LLP
114 West 47th Street, 22nd Floor
New York, NY 10036
(212) 261-5651
aburgy@axinn.com

CERTIFICATE OF SERVICE

I certify that on September 28, 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:

David H. Silverstein: dsilverstein@axinn.com

Aziz Burgy: aburgy@axinn.com

Dan Feng Mei: dmei@axinn.com; Ravicti@axinn.com

Christopher M. Gallo: cgallo@axinn.com

By: / M.C. Phillips /

Matthew C. Phillips
Registration No. 43,403