

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APOTEX INC. AND APOTEX CORP.  
*Petitioners,*

v.

ABRAXIS BIOSCIENCE, LLC  
*Patent Owner*

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Case IPR2018-00151

Case IPR2018-00152

Case IPR2018-00153

U.S. Patent 8,138,229

U.S. Patent 7,820,788

U.S. Patent 7,923,536

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**JOINT REQUEST TO FILE SETTLEMENT MATERIALS  
AS BUSINESS CONFIDENTIAL INFORMATION AND TO MAINTAIN  
SAID MATERIALS SEPARATE FROM THE PUBLIC FILE 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) and the Board's authorization of June 15, 2018, Petitioners Apotex Inc. and Apotex Corp. and Patent Owner Abraxis Bioscience, LLC jointly request to treat as business confidential information the true and complete copy of the settlement materials (with exhibits, Confidential Exhibit 2093) between the parties, as referenced in the parties' Joint Motion to Terminate.

35 U.S.C. § 317(b) provides that:

At the request of a party to the proceeding, the agreement or understanding shall be treated as business confidential information, shall be kept separate from the file of the involved patents, and shall be made available only to Federal Government agencies on written request, or to any person on a showing of good cause.

Likewise, 37 C.F.R. § 42.74(c) provides that:

A party to a settlement may request that the settlement be treated as business confidential information and be kept separate from the files of an involved patent or application. The request must be filed with the settlement. If a timely request is filed, the settlement shall only be available:

- (1) To a Government agency on written request to the Board; or
- (2) To any other person upon written request to the Board to make the settlement agreement available, along with the fee specified in § 42.15(d) and on a showing of good cause.

The present request, which is being filed contemporaneously with the settlement materials, is timely and in accordance with the foregoing authority. Therefore, parties request that the settlement materials (with exhibits, Confidential Exhibit 2093) (i) be treated as business confidential information, (ii) be maintained separate from the publicly available file of the involved patent, and (iii) shall be made available only to Federal Government agencies on written request, or to persons showing good cause on written request, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

Date: June 21, 2018

Respectfully submitted,

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## CERTIFICATE OF SERVICE

The undersigned certifies that on the date indicated below a copy of the foregoing Joint Request To File Settlement Agreement As Business Confidential Information And To Maintain Said Agreement Separate From The Public File Pursuant To 35 U.S.C. § 317(b) AND 37 C.F.R. § 42.74(c) was served electronically by filing these documents through the PTAB E2E System, as well as by e-mailing copies to the following counsel of record for Petitioners Apotex Inc. and Apotex Corp.:

<b>Lead Counsel</b>	<b>Backup Counsel</b>
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Date: June 21, 2018

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