

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 IPR2018-00459
Patent 9,561,197

**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 concurrently herewith as Exhibit 2021, be treated as business confidential information and be kept separate from the file of IPR2018-00459 involving U.S. Patent 9,561,197. 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 9

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
mphillips@lpiplaw.com

Date: 2018 July 9

By: / Elizabeth J. Holland /

Elizabeth J. Holland
Registration No. 47,657

Elizabeth J. Holland
Reg. No. 47,657
Lead Counsel for Petitioner

Cynthia Lambert Hardman
Reg. No. 53,179
Backup Counsel for Petitioner

GOODWIN PROCTER LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018-1405
eholland@goodwinlaw.com
Tel: 212-459-7230
Fax: 212-355-3333

GOODWIN PROCTER LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018-1405
chardman@goodwinlaw.com
Tel: 212-459-7295
Fax: 212-355-3333

CERTIFICATE OF SERVICE

I certify that on July 9, 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:

Elizabeth Holland: E holland@goodwinlaw.com

Cynthia Lambert Hardman: Chardman@goodwinlaw.com

Andrew E. Riley: Ariley@goodwinlaw.com

/ M.C. Phillips /

Matthew C. Phillips

Registration No. 43,403