

Filed On Behalf Of:

Novartis Pharmaceuticals Corporation and
Hikma Pharmaceuticals International Limited

By:

Nicholas N. Kallas
NKallas@venable.com
ZortressAfinitorIPR@venable.com
(212) 218-2100

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WEST-WARD PHARMACEUTICALS INTERNATIONAL LIMITED n/k/a
HIKMA PHARMACEUTICALS INTERNATIONAL LIMITED
Petitioner,

v.

NOVARTIS PHARMACEUTICALS CORPORATION
Patent Owner

Case IPR2017-01592¹
Patent No. 8,410,131

**HIKMA AND NOVARTIS'S JOINT MOTION TO TREAT
SETTLEMENT AGREEMENT (EX 2116) AS BUSINESS
CONFIDENTIAL INFORMATION PURSUANT
TO 35 U.S.C. § 317(b) AND 37 C.F.R. § 42.74(c)**

¹ IPR2018-00507 has been joined to this proceeding (Paper 29, Apr. 3, 2018). Breckenridge Pharmaceutical, Inc. has been terminated as a party to this proceeding (Paper 57, August 8, 2018).

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), and pursuant to the authorization to file this motion provided in an email from the Board dated May 23, 2019, Petitioner West-Ward Pharmaceuticals International Limited n/k/a Hikma Pharmaceuticals International Limited (“Hikma”) and Patent Owner Novartis Pharmaceuticals Corporation (“Novartis”) jointly request that the settlement agreement between the parties – as referenced in the Joint Motion to Terminate IPR, filed concurrently herewith, and designated as Exhibit 2116 – be treated as business confidential information which shall be kept separate from the file of the involved patent. In view of that request, the settlement agreement has been filed for access by the “Board Only.”

For the purposes of this motion, Novartis and Hikma seek entry of a Protective Order, designated as Exhibit 2117, based on the Default Standing Protective Order; however, paragraphs 2(A)-(E) and 2(G) have been amended to reflect that only parties Novartis and Hikma and their respective party representatives and in-house counsel shall have access to confidential information, such as Exhibit 2116. Neither party’s experts nor employees shall have access to confidential information, including Exhibit 2116.

Respectfully submitted,

Dated: May 23, 2019

/ Nicholas N. Kallas /
Nicholas N. Kallas (Reg. No. 31,530)

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing HIKMA AND NOVARTIS'S JOINT MOTION TO TREAT SETTLEMENT AGREEMENT (EX 2116) AS BUSINESS CONFIDENTIAL INFORMATION PURSUANT TO 35 U.S.C. § 317(b) AND 37 C.F.R. § 42.74(c) was served on May 23, 2019 by causing it to be sent by email to counsel for Petitioners at the following email addresses:

Keith A. Zullo (kzullo@goodwinprocter.com)

Marta E. Delsignore (mdesignore@goodwinprocter.com)

Michael B. Cottler (mcottler@goodwinlaw.com)

Dated: May 23, 2019

/ Nicholas N. Kallas /
Nicholas N. Kallas
Registration No. 31,530
Lead Counsel for Patent Owner
VENABLE LLP
1290 Avenue of the Americas
New York, NY 10104-3800
Tel. 212-218-2100