

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC., SAWAI USA, INC.,
and SAWAI PHARMACEUTICAL CO., LTD.,

v.

BIOGEN MA INC.,
Patent Owner

Case IPR2018-01403¹
Patent 8,399,514

**JOINT MOTION TO KEEP SETTLEMENT AGREEMENT AS BUSINESS
CONFIDENTIAL INFORMATION PURSUANT TO 35 U.S.C. § 317**

Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74, Petitioners Sawai USA Inc. and Sawai Pharmaceutical Co. Ltd. (collectively “Sawai”) and Patent Owner Biogen MA Inc. (“Patent Owner”) (together, “the Parties”) jointly request to file the Settlement Agreement, submitted concurrently herewith as Exhibit 1135 to the Joint Motion to Terminate the Proceeding, in its entirety, as Business Confidential information. In accordance with 37 C.F.R. § 42.20(b), the Parties sought, and received, authorization via email from the Board to file this motion on November 13, 2019.

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).

Sawai and Patent Owner hereby request that the settlement agreement filed herewith as Exhibit 1135 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 “Board Only.”

Dated: November 19, 2019

Respectfully submitted,

/Christopher B. Ferenc/
Christopher B. Ferenc (Reg. No. 59,365)
*Counsel for Petitioners Sawai USA,
Inc. and Sawai Pharmaceutical Co., Ltd.*

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6, the undersigned certifies that on November 19, 2019, a copy of the foregoing document was served upon the following, by email to:

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Dated: November 19, 2019

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