

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

PROLLENIUM US INC.,
Petitioner

v.

ALLERGAN INDUSTRIE, SAS,
Patent Owner

IPR2019-01505 (Patent No. 8,450,475)
IPR2019-01506 (Patent No. 8,357,795)
IPR2019-01508 (Patent No. 9,238,013)
IPR2019-01509 (Patent No. 9,358,322)
IPR2019-01617 (Patent No. 8,822,676)
IPR2019-01632 (Patent No. 8,357,795)
IPR2020-00084 (Patent No. 9,089,519)

**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)¹**

¹ Authorization for the use of a joint caption page was received on April 27, 2020. Neither party opposes the use of a joint caption page. An identical paper has been filed in each case recited in the consolidated caption.

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) and the Board's authorization received on February 18, 2021, Petitioner Prollemium US Inc. ("Petitioner" or "Prollemium") and Patent Owner Allergan Industrie, SAS ("Patent Owner" or "Allergan") jointly request to treat as business confidential information the true and complete copy of the settlement materials (Confidential Exhibit 2250) 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 concurrently with the settlement materials, is timely and in accordance with the foregoing authority. Therefore, the parties request that the settlement materials (Confidential Exhibit 2250) (i) be treated as business confidential information, (ii) be maintained separate from the publicly available file of the involved patents, 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: February 18, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **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)** was served on February 18, 2021 by e-mailing copies to the following counsel of record for Petitioner Prolenium US Inc.:

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