

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN INSTITUTIONAL LLC and PFIZER INC.,
Petitioners,

v.

NOVO NORDISK A/S,
Patent Owner.

IPR2020-00324¹

Patent 8,114,833 B2

**PATENT OWNER AND PETITIONER MYLAN INSTITUTIONAL LLC'S
JOINT REQUEST TO TREAT SETTLEMENT AGREEMENT AS
BUSINESS CONFIDENTIAL INFORMATION PURSUANT TO 35 U.S.C. §
317**

¹ IPR2020-01252 has been joined with this proceeding.

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), Petitioner Mylan Institutional LLC (“Mylan”) and Patent Owner Novo Nordisk A/S (“Patent Owner”) jointly request that a true copy of their Settlement Agreement, filed concurrently as Exhibit 2098, be treated as business confidential information, and be kept separate from the file of IPR2020-00324 involving U.S. Patent No. 8,114,833. Concurrently with this Request, Mylan and Patent Owner are filing a Joint Motion to Terminate as to Petitioner Mylan due to the settlement between Mylan and Patent Owner.

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, Mylan and Patent Owner hereby jointly request that the Settlement Agreement be kept as a separate paper to be made available only as provided in 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). The Settlement Agreement has been filed for access by the “Board Only.”² Mylan and Patent Owner request that the Settlement Agreement remain accessible *only* to the Board, and not be made available to other parties to this proceeding. Mylan and Patent Owner 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 Mylan

² Petitioner Pfizer Inc. is not a party to the Settlement Agreement. Petitioner Pfizer Inc. has not been provided a copy of the Settlement Agreement.

and Patent Owner on the day the written request is provided to the Board.

Dated: April 7, 2021

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on April 7, 2021, the foregoing document is being served by filing this document through the Patent Trial and Appeal Board End to End System, as well as delivering a copy via electronic mail upon the following attorneys of record for the Petitioners:

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Respectfully submitted,

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