

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TEVA PHARMACEUTICALS USA, INC. AND WATSON
LABORATORIES, INC.

Petitioners,

v.

MERCK SHARP & DOHME CORP.

Patent Owner.

Case IPR2020-01045

Patent 7,326,708

JOINT MOTION TO TREAT SETTLEMENT AGREEMENTS (EX. 1023) AS
BUSINESS CONFIDENTIAL INFORMATION PURSUANT TO 35 U.S.C.
§ 317(b) AND 37 C.F.R. § 42.74(c) AND TO KEEP SEPARATE

Mail Stop "PATENT BOARD"

Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Case IPR2020-01045
Patent No. 7,326,708

Pursuant to 35 U.S.C. § 317(b) and C.F.R. § 42.74(c), and pursuant to the authorization to file this motion provided by the Board in an email dated November 20, 2020, Petitioners Teva Pharmaceuticals USA, Inc. and Watson Laboratories, Inc. (collectively “Teva”) and Patent Owner Merck Sharp & Dohme Corp. (“Merck”) (collectively “the Parties”) jointly request that the settlement agreements between the Parties – as referenced in the Joint Motion to Terminate IPR, filed concurrently herewith, and designated as Exhibit 1023 – be treated as business confidential information that shall be kept separate from the file of the involved patent. In view of that request, the settlement agreements have been filed for access by the “Parties and Board Only.”

Date: November 24, 2020

Respectfully submitted,

/Stanley E. Fisher/

Stanley E. Fisher (Reg. No. 55,820)

Bruce R. Genderson (Pro Hac Vice
motion to be submitted)

Jessamyn S. Berniker (Reg. No.
72,328)

Alexander S. Zolan (Pro Hac Vice
motion to be submitted)

Elise M. Baumgarten (Pro Hac Vice
motion to be submitted)

Shaun P. Mahaffy (Reg. No. 75,534)

Anthony H. Sheh (Reg. No. 70,576)

Case IPR2020-01045
Patent No. 7,326,708

WILLIAMS & CONNOLLY LLP
725 Twelfth Street, N.W.
Washington, DC 20005
T: (202) 434-5000
F: (202) 434-5029
sfisher@wc.com
bgenderson@wc.com
jberniker@wc.com

*Counsel for Patent Owner
Merck Sharp & Dohme Corp.*

/Keith A. Zullo/
Keith A. Zullo (Reg. No. 37,975)
Goodwin Procter LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018-1405
Tel: 212-813--8800
Fax: 212-355-3333
kzullo@goodwinlaw.com

*Counsel for Petitioners Teva
Pharmaceuticals USA, Inc. and
Watson Laboratories, Inc.*

CERTIFICATION OF SERVICE ON PATENT OWNER

Pursuant to 37 C.F.R. §§ 42.6(e), the undersigned certifies service of the foregoing Joint Motion to Treat Settlement Agreements (EX. 1023) as Business Confidential Information Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) on the counsel of record for the Patent Owner via electronic mail to the following addresses:

Stanley E. Fisher
Jessamyn S. Berniker
Bruce R. Genderson
Alexander S. Zolan
Elise M. Baumgarten
Shaun P. Mahaffy
Anthony H. Sheh
Williams & Connolly LLP
725 Twelfth Street, N.W.
Washington, DC 20005
sfisher@wc.com
jberniker@wc.com
bgenderson@wc.com
azolan@wc.com
ebaumgarten@wc.com
smahaffy@wc.com
asheh@wc.com
MerckSitagliptin@wc.com

Dated: November 24, 2020

/Keith A. Zullow/
Keith A. Zullow (Reg. No. 37,975)