

UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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APOTEX INC.,  
Petitioner

v.

CELGENE CORPORATION,  
Patent Owner

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Case IPR2023-00512  
Patent 8,846,628

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**JOINT REQUEST THAT SETTLEMENT AGREEMENTS BE TREATED  
AS BUSINESS CONFIDENTIAL INFORMATION AND BE KEPT  
SEPARATE PURSUANT TO 35 U.S.C. § 317(b) AND 37 C.F.R. § 42.74**

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), Petitioner Apotex Inc. (“Apotex” or “Petitioner”) and Patent Owner Celgene Corporation (“Celgene” or “Patent Owner”) jointly request that the Settlement Agreement between the parties (Ex. 1060) filed concurrently herewith, as referenced in the Joint Motion to Terminate Proceeding, (a) be treated as business confidential information, (b) be kept separate from the file of the involved patent, and (c) be made available only as permitted pursuant to the provisions of 37 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). The Board previously provided authorization to file this Joint Request on January 3, 2024. (Jan. 3, 2024, email from E. Goldschlager on behalf of the Board).

January 4, 2024

Respectfully submitted,  
/s/ Vishal C. Gupta  
Vishal C. Gupta (Reg. No. 67,284)  
Steptoe LLP  
1114 Avenue of the Americas  
New York, NY 10036  
Tel: (212) 506-3900  
*Counsel for Petitioner Apotex Inc.*

January 4, 2024

Respectfully submitted,  
/s/Heather M. Petruzzi/  
Heather M. Petruzzi (Reg. No. 71,270)  
Wilmer Cutler Pickering Hale and Dorr  
LLP  
2100 Pennsylvania Avenue NW  
Washington, DC 20037  
Tel: (202) 663-6000  
*Counsel for Celgene Corporation*

**CERTIFICATE OF SERVICE**

I hereby certify that on January 4, 2024, I caused a true and correct copy of the foregoing Joint Request that Settlement Agreements be Treated as Business Confidential Information and be Kept Separate Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74 to be served via e-mail on all counsel of record.

By: /s/ Vishal Gupta  
Vishal Gupta (Reg. No. 67,284)  
Steptoe LLP  
1114 Avenue of the Americas  
New York, NY 10036  
Tel: (212) 506-3900