

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PFIZER INC.,
Petitioner,

v.

BIOGEN, INC.,
Patent Owner.

Case IPR2018-00285
Patent 8,329,172 B2

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

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 35 U.S.C. §317(b) and 37 C.F.R. §42.74(c), Petitioner Pfizer Inc. and Patent Owner Biogen, Inc. jointly request that a true copy of their settlement agreement, filed concurrently as Exhibit 2066, be treated as business confidential information, and be kept separate from the file of IPR2018-00285 involving U.S. Patent No. 8,329,172. Concurrently with this Request, Petitioner and Patent Owner are filing a Joint Motion to terminate this *inter partes* review due to the settlement between the parties.

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, Petitioner 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 and parties only.” The parties 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 Petitioner Pfizer, Inc. and Patent Owner on the day the written request is provided to the Board.

Dated: March 19, 2019

/s/ John Scheibeler

John Scheibeler (Reg. No. 35,346)
Dimitrios T. Drivas (Reg. No. 32,218)
Leon Miniovich (*pro hac vice*)
White & Case LLP
1221 Avenue of the Americas
New York, NY 10020
P: 212-819-8200/F: 212-354-8113
jscheibeler@whitecase.com
ddrivas@whitecase.com
lminiovich@whitecase.com

Eric Krause (Reg. No. 62,329)
Allen Wang (Reg. No. 68,456)
White & Case LLP
2 Palo Alto Square, Suite 900
3000 El Camino Real
Palo Alto, CA 94306
P: 650-213-0300/F: 650-213-8158
eric.krause@whitecase.com
allen.wang@whitecase.com

Jovial Wong (Reg. No. 60,115)
Eimeric Reig-Plessis
Charles B. Klein
Winston & Strawn, LLP
1700 K St. NW
Washington, DC 20006
P: 202-282-5867/F: 202-282-5100
jwong@winston.com
ereigplessis@winston.com
cklein@winston.com
Attorneys For Petitioner

Respectfully submitted by:

/s/ Michael R. Fleming

Michael R. Fleming, Reg. No. 67,933
Gary N. Frischling, Reg. No. 35,515
Keith A. Orso, Reg. No. 52,084
Yite John Lu, Reg. No. 63,158
Irell & Manella LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, CA 90067
Telephone: (310) 277-1010
mfleming@irell.com
gfrischling@irell.com
korso@irell.com
yjlu@irell.com

Attorneys For Patent Owner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of JOINT REQUEST TO TREAT SETTLEMENT AGREEMENT AS BUSINESS CONFIDENTIAL INFORMATION PURSUANT TO 35 U.S.C. § 317 has been served in its entirety by causing the aforementioned document to be electronically mailed to the following attorneys of record for the Patent Owner listed below:

Patent Owner's Counsel of Record:

Michael R. Fleming, Reg. No. 67,933
Gary N. Frischling, Reg. No. 35,515
Keith A. Orso, Reg. No. 52,084
Yite John Lu, Reg. No. 63,158

mfleming@irell.com
gfrischling@irell.com
korso@irell.com
yjlu@irell.com

Petitioner Pfizer's Counsel of Record:

John Scheibeler (Reg. No. 35,346)
jscheibeler@whitecase.com

Dimitrios T. Drivas (Reg. No. 32,218)
ddrivas@whitecase.com

Eric Krause (Reg. No. 62,329)
eric.krause@whitecase.com

Allen Wang (Reg. No. 68,456)
allen.wang@whitecase.com

Leon Miniovich (*pro hac vice*)
lminiovich@whitecase.com

Jovial Wong (Reg. No. 60,115)
jwong@winston.com

Eimeric Reig-Plessis
ereigplessis@winston.com

Charles B. Klein
cklein@winston.com

Respectfully Submitted,

By: /s/ Pia S. Kamath