

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ADELLO BIOLOGICS, LLC,
Petitioner,

v.

AMGEN INC. and AMGEN MANUFACTURING, LIMITED,
Patent Owners.

Case PGR2019-00001
Patent 9,856,287

**PETITIONER ADELLO BIOLOGICS, LLC AND PATENT OWNERS'
JOINT REQUEST TO TREAT SETTLEMENT AGREEMENT AS
BUSINESS CONFIDENTIAL INFORMATION PURSUANT TO
35 U.S.C. § 327 AND TO KEEP SEPARATE**

Pursuant to 35 U.S.C. §327(b) and 37 C.F.R. §42.74(c), Petitioner Adello Biologics, LLC (“Petitioner Adello”) and Patent Owners Amgen Inc. and Amgen Manufacturing, Limited (together, “Patent Owners”) jointly request that a true copy of their settlement agreement, filed concurrently as Exhibit 1052, be treated as business confidential information, and be kept separate from the file of PGR2019-00001 involving U.S. Patent No. 9,856,287. Concurrently with this request, Petitioner Adello and Patent Owners are filing a joint motion to terminate this post-grant review.

Specifically, as Petitioner Adello and Patent Owners consider the settlement agreement to contain highly sensitive business confidential information that would substantially harm their business interests if publicly disclosed, they 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. §327(b) and 37 C.F.R. §42.74(c). The settlement agreement has been filed for access by the “Board Only” and should not be made accessible to others.

Petitioner Adello and Patent Owners further jointly request that the Board order that any written request by a person or entity, as stated in 37 C.F.R. §42.74(c)(1)-(2), for access to the settlement agreement, must simultaneously be served upon Petitioner Adello and Patent Owners on the day the written request is provided to the Board.

Dated: December 3, 2019

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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. § 327 AND TO KEEP SEPARATE 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:

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