

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTAS PHARMACEUTICALS LTD.,
Petitioner,

v.

ATOSSA THERAPEUTICS, INC.,
Patent Owner

Case PGR2025-00043
Patent 12,071,391

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

Petitioner's and Patent Owner's 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 Intas Pharmaceuticals Ltd. (“Intas”) and Patent Owner Atossa Therapeutics, Inc. (“Atossa”) jointly request that a true copy of their Settlement Agreement, filed concurrently as Exhibit 1038, be treated as business confidential information, and be kept separate from the file of PGR2025-00043 involving U.S. Patent No. 12,071,391. Concurrently with this request, Intas and Atossa are filing a joint motion to terminate this post-grant review.

Specifically, as Intas and Atossa 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, including other joined parties. Intas and Atossa 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 Intas and Atossa on the day the written request is provided to the Board.

Petitioner's and Patent Owner's Joint Request to Treat Settlement Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 327 and to Keep Separate

Dated: April 23, 2026

Respectfully submitted by:

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Petitioner's and Patent Owner's Joint Request to Treat Settlement Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 327 and to Keep Separate

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of PETITIONER'S AND PATENT OWNER'S 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 Petitioner listed below:

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