UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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LCY Biotechnology Holding, Inc.,

Petitioner

v.

Radici Chimica S.p.A.,

Patent Owner

Case No. PGR2024-00044

U.S. Patent No. 11,781,148

JOINT REQUEST TO TREAT SETTLEMENT AGREEMENT AS BUSINESS CONFIDENTIAL INFORMATION PURSUANT TO 35 U.S.C. § 327(B) AND 37 C.F.R. § 42.74(C)

UPDATED EXHIBIT LIST

No.	Description
1001	U.S. Patent No. 11,781,148 (the "'148 Patent")
1002	'148 Patent Prosecution History
1003	PCT Publication No. WO2008042338 ("Bailey") was filed by Microbia, Inc. on September 28, 2007, and published on April 10, 2008.
1004	US2004-0265980 ("Zhang") was filed by Cognis Corp. on July 29, 2003, and published on December 30, 2004.
1005	Declaration of Dr. Hal S. Alper
1006	Declaration of Dr. Sylvia Hall-Ellis
1007	ROBERT F. WEAVER, *Chapter 2: The Molecular Nature of Genes*, MOLECULAR BIOLOGY (McGraw Hill 5th Ed. 2012).
1008	BRUCE ALBERTS ET AL., *Chapter 8: Manipulating Protein, DNA, and RNA*, MOLECULAR BIOLOGY OF THE CELL, Garland Science (5th Ed. 2008).
1009	Thomas J. Maimone & Phil S. Baran, *Modern Synthetic Efforts Toward Biologically Active Terpenes,* 3 N. CHEM. BIO. 7, 396-407 (2007).
1010	Sam Zwenger & Chhandak Basu, *Plant Terpenoids: Applications and Future Potentials*, 3 BIOTECHNOL. MOL. BIOL. REV. 1, 1-7 (2008).
1011	John Blazeck & Hal Alper, *Promotor engineering: Recent advances in controlling transcription at the most fundamental level*, 8 BIOTECHNOL. J., 46-58 (2013).
1012	Vikki M. Weake & Jerry L. Workman, *Inducible Gene Expression: Diverse Regulatory Mechanisms*, 11 NATURE GENET., 426-437 (2010).
1013	Katrin Weinhandl et al., *Carbon Source Dependent Promoters in Yeasts*, 13 MICOBIOL. CELL. FACTORIES 5, 1-17 (2014).
1014	Tamotsu Kanai et al., *An n-Alknane- Responsive Promoter Element Found in the Gene Encoding the Peroxisomal Protein of Candida tropicalis Does Not Contain a C_6 Zinc Cluster DNA-Binding Motif*, 182 J. BACTERIOL. 9, 2492-2497 (2000).
1015	Tamotsu Kanai et al., *An n-Alknane- Responsive Promoter Element Found in the Gene Encoding the Peroxisomal Protein of Candida tropicalis Does Not Contain a C_6 Zinc Cluster DNA-Binding Motif*, 182 J. BACTERIOL. 9, Figure 3 at 2496 (2000).

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1016	Yutaka Masuda et al., *Cloning and Characterization of the POX2 Gene in Candida Maltosa*, 167 GENE 1-2, 157-161 (1995).
1017	Yutaka Masuda et al., *Cloning and Characterization of the POX2 Gene in Candida Maltosa*, 167 GENE 1-2, Figure 2 at 159 (1995).
1018	Michael E. Lee et al., *A Highly Characterized Yeast Toolkit for Modular, Multipart Assembly*, 4 ACS. SYNTH. BIOL. 9, 975-986 (2015).
1019	J.P. Van der Walt & J.A. von Arx, *The Yeast Genus Yarrowia gen. nov.*, 46 ANTONIE VAN LEEUWENHOEK, 517-521 (1980).
1020	J.P. Van der Walt et al., *Arxula gen. nov. (Candidaceae), a new anamorphic, arthroconidial yeast genus*, 57 ANTONIE VAN LEEUWENHOEK, 59-61 (1990).
1021	David L. Craft et al., *Identification and Characterization of the CYP52 Family of Candida tropicalis ATCC 20336, Important for the Conversion of Fatty Acids and Alkanes to Dicarbozylic Acids*, 69 APPL. ENVIRON. MICROBIOL. 10, 5983-5991 (2003).
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1023	Gotthard Kunze et al., *The Complete Genome of Blastobotrys (Arxula) adeninivorans LS3 – a Yeast of Biotechnological Interest*, 7 BIOTECHNOLOGY FOR BIOFUELS 66, 1-15 (2014).
1024	W. J. Middlehoven et al., *Trichosporon adeninovorans sp. nov., a yeast species utilizing adenine, xanthine, uric acid, putrescine and primary n-alkylamines as the sole source of carbon, nitrogen and energy*, 50 ANTONIE VAN LEEUWENHOEK, 369-378 (1984).
1025	Cletus P. Kurtzman & Christie J. Robnett, *Multigene phylogenetic analysis of the Trichomonascus, Wickerhamiella and Zygoascus yeast clades, and the proposal of Sugiyamaella gen. nov. and 14 new species combinations*, 7 FED'N OF EUROPEAN MICROBIOL. SOC'Y., 141-151 (2007).
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1031	James E. Bailey, *Toward a Science of Metabolic Engineering*, SCIENCE, Vol. 252, 1668-1675 (1991).
1032	Susan M. Barns et al., *Evolutionary Relationships among Pathogenic Candida Species and Relatives,* 173 J. BACTERIOL. 7, 2250-2255 (1991).
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1038	Pannida Khunnamwong et al., *Description of Diutina gen. nov., Diutina siamensis, f.a. sp. nov., and reassignment of Candida catenulata, Candida mesorugosa, Candida neorugosa, Candida pseudorugosa, Candida ranongensis, Candida rugosa and Candida scorzettiae to the genus Diutina,* 65 INT. J. SYST. EVOL. MICROBIOL., 4701-4709 (2015)
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1040	KREGER-VAN RIJ, THE YEASTS: A TAXONOMIC STUDY, Elsevier (3rd Rev. and Enlarged Ed. 1984).
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1042	Yoann Millerioux et al., *Drug-resistant cassettes for the efficient transformation of Candida guilliermondii wild-type strains,* 11 FEMS YEAST RESEARCH, 457-463 (2011).
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1050	LinkedIn Resume of Kimberly Ann Aeling
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1055	Curriculum Vitae of Sylvia Hall-Ellis
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1063	Kanai, Tamotsu, Akihiro Hara, Naoki Kanayama, Mitsuyoshi Ueda, and Atsuo Tanaka. "An n-Alkane-Responsive Promoter Element Found in the Gene Encoding the Peroxisomal Protein of Candida tropicalis Does Not Contain a C6 Zinc Cluster DNA-Binding Motif" *Journal of Bacteriology*, vol. 182, no. 9 (May 2000): 2492-2497.
1064	Kanai, Tamotsu, Akihiro Hara, Naoki Kanayama, Mitsuyoshi Ueda, and Atsuo Tanaka. "An n-Alkane-Responsive Promoter Element Found in the Gene Encoding the Peroxisomal Protein of Candida tropicalis Does Not Contain a C6 Zinc Cluster DNA-Binding Motif -- Figure 3." *Journal of Bacteriology*, vol. 182, no. 9 (May 2000): 2496.
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1066	Masuda, Yutaka, Sun Mee Park, Akinori Ohta, and Masamichi Takagi. "Cloning and Characterization of the POX2 Gene in Candida maltosa--Figure 2." *Gene*, vol. 167, issue 1-2 (29 December 1995): 159.
1067	Lee, Michael E., William C. DeLoache, Bernardo Cervantes, and John E. Dueber. "A Highly Characterized Yeast Toolkit for Modular, Multipart Assembly." *ACS Synthetic Biology*, vol. 4, issue 9 (2015): 975-986.
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1069	Van der Walt, J.P., M. T. Smith, and Y. Yamada. "Arxula gen. nov. (Candidaceae), a new anamorphic, arthroconidial yeast genus." *Antonie van Leeuwenhoek*, vol. 57, no. 1 (January 1990): 59-61.
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1071	National Collection of Yeast Cultures. "NCYC 825: *Yarrowia lipolytica*." Norwich, UK: NCYC, 1975.
1072	Kunze, Gotthard et. al. "The Complete Genome of Blastobotrys (Arxula) adeninivorans LS3 - a Yeast of Biotechnological Interest." *Biotechnology for Biofuels*, vol. 7, article 66 (24 April 2014): 15 pages.
1073	Middelhoven, W. J., M. C. Hoogkamer-Te Niet, and N. J. Kreger-Van Rij. "Trichosporon adeninovorans sp. nov., a yeast species utilizing adenine, xanthine, uric acid, putrescine and primary n-alkylamines as the sole source of carbon, nitrogen and energy." *Antonie van Leeuwenhoek*, vol. 50, no. 4 (July 1984): 369-378.
1074	Kurtzman, Cletus P., and Christie J. Robnett. "Multigene Phylogenetic Analysis of the *Trichomonascus, Wickerhamiella* and *Zygoascus* Yeast Clades, and the Proposal of *Sugiyamaella* gen. nov. and 14 New Species Combinations." *FEMS Yeast Research*, vol. 7, issue 1 (January 2007): 141-151.
1075	James A. Sloots et al., *Glucose-responsive and oleic acid-responsive elements in the gene encoding the peroxisomal trifunctional enzyme of* Candida tropicalis, 105 GENE 1, 129-134 (1991).
1076	James A. Sloots et al., *Glucose-responsive and oleic acid-responsive elements in the gene encoding the peroxisomal trifunctional enzyme of* Candida tropicalis, 105 GENE 1, 130, Figure 1 (1991).
1077	Confidential Settlement Agreement Between LCY and Radici

Petitioner, LCY Biotechnology Holding, Inc. ("Petitioner"), and Patent Owner, Radici Chimica S.p.A. ("Patent Owner"), have reached an agreement (the "Settlement Agreement") to resolve their disputes and terminate this post-grant review proceeding. Pursuant to 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c), Petitioner and Patent Owner hereby jointly request that the Board treat as business confidential information the Settlement Agreement (Confidential Exhibit 1077), as referenced in the parties' Joint Motion to Terminate Proceeding, filed contemporaneously herewith.

The present request is being filed contemporaneously with the Settlement Agreement and the Joint Motion to Terminate Proceeding, in accordance with 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c). Accordingly, the parties request that the Settlement Agreement (Conf. Ex. 1077) (1) be treated as Business Confidential Information; (2) be maintained separate from the publicly available file for this proceeding and the subject patent; and (3) shall be made available only to Federal Government agencies on written request, or to persons showing good cause on written request, pursuant to 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c).

The parties also request that they each be notified if and when the Board receives and/or considers a request for access to the Settlement Agreement and be offered an opportunity to respond. *See Arista Networks, Inc. et al v. Castlemorton Wireless, LLC*, IPR2020-00986, Paper No. 7 (PTAB Oct. 28, 2020).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 16, 2025, I caused a true and correct copy of the foregoing Joint Request To Treat Settlement Agreement As Business Confidential Information Pursuant To 35 U.S.C. § 327(b) And 37 C.F.R. § 42.74(c) to be served on the Patent Owner via electronic mail to Patent Owner's counsel of record below:

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