UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ASCENDIS PHARMA A/S,
Petitioner

v.

BIOMARIN PHARMACEUTICAL INC.,
Patent Owner

Case PGR2026-00013
U.S. Patent No. 12,233,106

JOINT REQUEST TO KEEP AGREEMENT BUSINESS CONFIDENTIAL AND SEPARATE UNDER 37 C.F.R. § 42.74(c)

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313

Ascendis Pharma A/S ("Petitioner") and BioMarin Pharmaceutical Inc. ("Patent Owner") (collectively, "the parties") are filing, concurrently with a Joint Motion to Terminate Post-Grant Review, a true copy of the Settlement and License Agreement (EX1073) that resolves all underlying disputes between Petitioner and Patent Owner with respect to U.S. Patent No. 12,233,106. Pursuant to 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c), the parties hereby jointly request that the Settlement and License Agreement be treated as business confidential information and be kept separate from the file of this post-grant review (PGR) proceeding. The Board authorized the parties to file this joint request in an email of September 16, 2026.

The parties consider the Settlement and License Agreement to contain highly sensitive confidential business information that would substantially harm their business interests if publicly disclosed. As such, the parties hereby jointly request that the Settlement and License Agreement be kept as a separate paper to be made available only under the provisions of 35 U.S.C § 327(b) and 37 C.F.R. § 42.74(c). The parties hereby certify that, to the best of their knowledge, the document sought to be protected has not been made publicly available. The Settlement and License Agreement has been filed for access by the "Board and Parties Only."

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX PLLC

/David H. Holman/

David H. Holman, Ph.D.
Registration No. 61,205
Attorney for Petitioner

Date: September 24, 2026

1101 K Street, NW, 10th Floor
Washington, DC 20005
(202) 371-2600

PAUL HASTINGS LLP

/Naveen Modi/

Naveen Modi
Registration No. 46,224
Lead Attorney for Patent Owner

Date: September 24, 2026

2050 M Street NW
Washington, DC 20036
(202) 551-1700

CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e)(1))

The undersigned certifies that a true and correct copy of the foregoing **JOINT REQUEST TO KEEP AGREEMENT BUSINESS CONFIDENTIAL AND SEPARATE UNDER 37 C.F.R. § 42.74(c)** was served in its entirety electronically via e-mail on September 24, 2026, on the following counsel for Patent Owner:

Naveen Modi (Lead Counsel)
Eric Dittman (Back-up Counsel)
Chetan Bansal (Back-up Counsel)
Gabrielle Landes (Back-up Counsel)
PAUL HASTINGS LLP
PH-Ascendis-BioMarin-PGR@paulhastings.com

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX PLLC

/David H. Holman/

David H. Holman, Ph.D.
Registration No. 61,205
Attorney for Petitioner

Date: September 24, 2026

1101 K Street, NW, 10th Floor
Washington, DC 20005
(202) 371-2600