

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LUMENIS LTD. and POLLOGEN LTD.
Petitioners

v.

THE GENERAL HOSPITAL CORPORATION
Patent Owner

Case IPR2019-01181
Patent 9,510,899

**JOINT REQUEST TO FILE SETTLEMENT AGREEMENT
AS BUSINESS CONFIDENTIAL INFORMATION
PURSUANT TO 35 U.S.C. § 317(b)**

Mail Stop “PATENT BOARD”
Patent Trial and Appeal Board
U.S. Patent & 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), Petitioners Lumenis, Ltd. and Pollogen, Ltd. and Patent Owner The General Hospital Corporation hereby jointly request that a true copy of their Settlement Agreement, filed concurrently herewith as Exhibit 1028, be treated as business confidential information and be kept separate from the file of this *inter partes* review proceeding. Concurrently with the filing of this Request, Petitioners and Patent Owner are filing a Joint Motion to Dismiss this *inter partes* review due to the settlement between the parties.

The parties consider Exhibit 1028 to contain highly sensitive business confidential information that would substantially harm their business interests if publicly disclosed. As such, the parties hereby jointly request that Exhibit 1028 be kept as a separate paper to be made available only under the provisions of 35 U.S.C § 317(b) and 37 C.F.R. § 42.74(c). The Settlement Agreement has been filed for access by the “Parties and Board 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 the parties on the day the written request is provided to the Board.

Date: July 26, 2019

Respectfully submitted,

/Robert Greene Sterne/

Robert G. Sterne (Reg. No. 28,912)
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
Attorney for Petitioners
Lumenis Ltd. and Pollogen Ltd.

Date: July 26, 2019

Respectfully submitted,

/Joel A. Austin/

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QUARLES & BRADY LLP
Attorney for Patent Owner
The General Hospital Corporation

CERTIFICATION OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned hereby certifies that on July 26, 2019, a true and correct copy of the foregoing **JOINT REQUEST TO FILE SETTLEMENT AGREEMENT AS BUSINESS CONFIDENTIAL INFORMATION UNDER 35 U.S.C. § 317(b)** was served electronically via e-mail in its entirety on the following parties:

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Date: July 26, 2019
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