

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NUVASIVE, INC.,

Petitioner

v.

ACANTHA LLC,

Patent Owner.

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Case IPR2020-00706

Patent RE43,008 E

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

## **I. INTRODUCTION**

Petitioner NuVasive, Inc., and Patent Owner Acantha LLC (“the Parties”) concurrently file a Joint Motion to Terminate which includes a copy of a fully executed settlement agreement (Exhibit 2019) between the parties resolving all underlying disputes, including this proceeding. In an email dated September 23, 2020, the Board authorized the parties to file a joint request pursuant to 37 C.F.R. § 42.74(c) to treat the settlement agreement as business confidential information and to file the settlement agreement as “Parties and Board Only.”

## **II. RELIEF REQUESTED**

37 C.F.R. § 42.74(c) permits the parties to have any filed settlement agreement treated as business confidential information and kept separate from the files of the involved patent. This is further authorized by statute:

At the request of a party to the proceeding, the agreement or understanding shall be treated as business confidential information, shall be kept separate from the file of the involved patents, and shall be made available only to Federal Government agencies on written request, or to any person on a showing of good cause.

35 U.S.C. § 317(b).

Pursuant to 37 C.F.R. § 42.74(c) and 35 U.S.C. § 317(b), Petitioner and Patent Owner jointly request that the Office treat the settlement agreement (Exhibit 2019) as business confidential information, that the writing be kept separate from

the file of the involved patent, and that the writing be made available only to Federal Government agencies on written request or to other persons only on a showing of good cause.

Dated: September 29, 2020

Respectfully submitted,

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