

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ATTENDS HEALTHCARE PRODUCTS, INC.  
Petitioner,

v.

PAUL HARTMANN AG  
Patent Owner.

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Case IPR2020-01479  
Patent No. 8,771,249

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

Petitioner Attends Healthcare Products, Inc. (“Attends”) along with Attends Healthcare AB, and Patent Owner PAUL HARTMANN AG (“HARTMANN”) have entered into a Settlement and License Agreement that resolves this *inter partes* review proceeding IPR2020-01477, involving U.S. Patent No. 8,152,788, currently before the Board. The Settlement and License Agreement also references two other agreements.

In an email dated June 18, 2024, the Board authorized the parties to file a joint motion to terminate and a request to treat the settlement agreement as business confidential information pursuant to 37 C.F.R. § 42.74.(c). Petitioner and Patent Owner make a joint request to treat the Settlement and License Agreement and referenced agreements as business confidential information. In accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b), a true copy of the Settlement and License Agreement between PAUL HARTMANN AG and Attends Healthcare Products, Inc. is being submitted concurrently herewith in this proceeding as Exhibit 2008; a true and correct copy of the first referenced agreement is being submitted concurrently herewith in the proceeding as Exhibit 2009; and a true and correct copy of the second referenced agreement is being submitted concurrently herewith in the proceeding as Ex. 2010. Exhibits 2008, 2009, and 2010 have been filed for access by the “**Board Only**,” and the parties jointly request that the agreements at Exhibits 2008, 2009, and 2010 remain available for the “**Board Only**.”

If requested, the rules permit the parties to have any filed settlement agreement treated as business confidential information and kept separate from the files of the involved patent. 37 C.F.R. § 42.74(c). Indeed, the statute requires it.

At the request of a party to the proceeding, the agreements 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).

Accordingly, pursuant to 37 C.F.R. § 42.74(c) and 35 U.S.C. § 317(b), Petitioner Attends and Patent Owner HARTMANN jointly request that the Board treat the Settlement and License Agreement filed concurrently herewith as Exhibit 2008 as business confidential information, that the agreement be kept separate from the file of the involved patent, and that the agreement be made available only to Federal Government agencies on written request, or to other persons only on a showing of good cause.

Petitioner Attends and Patent Owner HARTMANN also jointly request that the Board treat the first referenced agreement filed concurrently herewith as Exhibit 2009 as business confidential information, that the agreement be kept separate from the file of the involved patent, and that the agreement be made available only to

Federal Government agencies on written request, or to other persons only on a showing of good cause.

Petitioner Attends and Patent Owner HARTMANN also jointly request that the Board treat the second referenced agreement filed concurrently herewith as Exhibit 2010 as business confidential information, that the agreement be kept separate from the file of the involved patent, and that the agreement be made available only to Federal Government agencies on written request, or to other persons only on a showing of good cause.

Respectfully submitted,

Dated: September 25, 2024

/Eagle H. Robinson/  
Eagle H. Robinson, Reg. No. 61,361  
Counsel for Petitioner Attends Healthcare  
Products, Inc.

Dated: September 25, 2024

/Joshua L. Goldberg/  
Joshua L. Goldberg, Reg. No. 59,369  
Counsel for Patent Owner PAUL  
HARTMANN AG

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing **Joint Request to Treat Settlement Agreement as Business Confidential Information**

**Pursuant to 35 U.S.C. § 317(b)** was served on September 25, 2024, via email directed to counsel of record for the Petitioner at the following:

Eagle H. Robinson  
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Petitioner has consented to service by electronic mail.

Dated: September 25, 2024

/William Esper/  
William Esper  
Legal Assistant and PTAB Coordinator  
Finnegan, Henderson, Farabow,  
Garrett & Dunner, LLP