

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDTRONIC, INC.,
Petitioner,

v.

NUVASIVE, INC.,
Patent Owner.

Case IPR2014-00075
Patent 8,016,767 B2

Before FRANCISCO C. PRATS, DAVID C. McKONE, and
AMANDA F. WIEKER, *Administrative Patent Judges*.

PRATS, *Administrative Patent Judge*.

JUDGMENT

Granting Joint Motion to Terminate after Remand from
the Court of Appeals for the Federal Circuit
35 U.S.C. § 317 and 37 C.F.R. §§ 42.72, 42.74

On August, 14, 2017, the Parties filed a Joint Motion to Terminate this proceeding (Paper 53) and a true copy of the Parties' Settlement Agreement (Ex. 2096). As part of their Joint Motion to Terminate, the Parties request that we "treat the Settlement Agreement as business confidential information and keep it separate from the file of the involved patent." Paper 53, 1.

In their Joint Motion to Terminate this proceeding, the Parties represent that they have settled their disputes regarding U.S. Patent 8,016,767 B2. Paper 53, 1. The Final Written Decision (Paper 49) in the present *Inter Partes* Review was vacated and remanded to the Patent Trial and Appeal Board by the U.S. Court of Appeals for the Federal Circuit. *In Re: Nuvasive, Inc.*, No. 2015-1841, slip op. at 2, 15–16 (Fed. Cir. May 31, 2017). We determine that it is appropriate to terminate this proceeding without rendering any further decisions. *See* 37 C.F.R. § 42.72.

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the parties' request to treat the Settlement Agreement (Ex. 2096) as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is GRANTED; and

FURTHER ORDERED that the Joint Motion to Terminate this proceeding is GRANTED, and this proceeding is hereby TERMINATED.

Case IPR2014-00075

Patent 8,016,767 B2

For PETITIONER:

Brian L. Klock

Justin J. Oliver

FITZPATRICK, CELLA, HARPER & SCINTO

SPINE-IPR@fchs.com

For PATENT OWNER:

Michael T. Rosato

Paul D. Tripodi II

WILSON SONSINI GOODRICH & ROSATI

MROSATO@WSGR.COM

PTRIPODI@WSGR.COM

Stephen R. Schaefer

Michael T. Hawkins

FISH & RICHARDSON P.C.

SCHAEFER@FR.COM

HAWKINS@FR.COM