

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARETECH, LLC,
Petitioner,

v.

BIONESS INC.,
Patent Owner.

Case No. IPR2023-00428

U.S. Patent 10,668,316

**PETITIONER AND PATENT OWNER'S JOINT REQUEST TO FILE
SETTLEMENT AGREEMENT AS BUSINESS CONFIDENTIAL
INFORMATION PURSUANT TO 35 U.S.C. § 317**

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), Petitioner Aretech, LLC (“Petitioner”) and Bioness Inc. (“Patent Owner”) jointly request to file and treat the settlement agreement between the parties, as referenced in the Joint Motion to Terminate Proceedings Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74, (the “Settlement Agreement”), as business confidential information. The Parties further jointly request that the confidential Settlement Agreement be kept separate from the file of the subject patent in the captioned proceeding and be made available only to Federal Government agencies on written request or to persons showing good cause. See 35 U.S.C. § 317(b); 37 C.F.R. § 42.74(c).

A true copy of the Settlement Agreement entered into between the Parties on March 24, 2023, has been submitted as Exhibit 1039 with the Parties’ Joint Motion to Terminate. That Settlement Agreement contains highly sensitive business confidential information of both Parties that would substantially harm their business interests if publicly disclosed. Additionally, the Parties have agreed to not disclose the terms of the Settlement Agreement. See Exhibit 1039, Section 4.1.

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.

DATED: March 28, 2023

Respectfully submitted,

/Robert M. Masters/

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CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2023, a copy of the foregoing document was served to the email addresses provided by Patent Owner pursuant to 37 C.F.R.

§§ 42.6(e) and 42.8:

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