UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BEAR DOWN BRANDS, LLC DBA VERILUX, INC.,
Petitioner

v.

THE LITEBOOK COMPANY LTD.,
Patent Owner.

IPR2023-00940
U.S. Patent No. 7,678,140

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

UPDATED LIST OF EXHIBITS

Exhibit ("Ex.")	Description
1001	U.S. Patent No. 7,678,140
1002	File History of U.S. Patent No. 7,678,140
1003	Encyclopædia Britannica, The visible spectrum (online). Available at https://www.britannica.com/science/color/Thevisible-spectrum. Visited November 21, 2022
1004	German Patent No. 29618670U1 ("Weth") (certified translation attached "Energy-saving lamp for medical therapies")
1005	Declaration of Dr. Horace Craig Heller
1006	Grossweiner et al., The Science of Phototherapy: An Introduction. Springer, First Edition (2005)
1007	Choukroun and Geoffroy, *Light Therapy in Mood Disorders: A Brief History with Physiological Insights*, Chronobiol Med., 1(1):3-8 (2019)
1008	Czeisler et al., *Entrainment of Human Circadian Rhythms by Light-Dark Cycles: A Reassessment*, Photochemistry and Photobiology, 34, 239 (1981) ("Lewy")
1009	Britannica, "The electromagnetic spectrum." Available at https://www.britannica.com/science/electromagneticspectrum#/media/1/183297/106806. Visited November 21, 2022
1010	Lewy et al., *Light suppresses melatonin secretion in humans*, Science, 12;210 (4475):1267-69 (1980)
1011	Czeisler et al., *Bright Light Resets the Human Circadian Pacemaker Independent of the Timing of the Sleep-Wake Cycle*, Science, 233(4764):667-671 (1986)
1012	Canada Patent No. 2209694

1013	Wirz-Justice et al., *Light treatment of seasonal affective disorder in Switzerland*, Acta Psychiatrica Scandinavica, 74:193-204 (1986) ("Wirz-Justice")
1014	Ennever, *Blue Light, Green Light, White Light, More Light: Treatment of Neonatal Jaundice*, Clinics in Perinatology, 17(2): 467-481 (1990)
1015	Lee et al., *Spectral properties of phototherapy for seasonal affective disorder: a meta-analysis*, Acta Psychiatrica Scandinavica, 96: 117-121 (1997)
1016	Shanahan et al., *Resetting the Melatonin Rhythm with light in Humans*, Journal of Biological Rhythms, 12(6): 556-567 (1997)
1017	Britannica, "retina." Available at https://www.britannica.com/science/retina. Visited November 21, 2022
1018	U.S. Patent No. 5,047,006
1019	U.S. Patent No. 5,849,027
1020	Provisional Application No. 60/228,493
1021	Provisional Application No. 60/203,308
1022	U.S. Patent No. 6,531,230 ("Weber")
1023	Morita et al., *Inhibitory Effect of Light of Different Wavelengths on the Fall of Core Temperature during the Nighttime*, Japanese Journal of Physiology, 45: 667-671 (1995)
1024	Declaration of Dr. Sylvia Hall-Ellis
1025	Director Vidal, Memorandum: Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation (June 21, 2022)

1026	Aschoff et al., *Circadian rhythms in men under as influenced by light-dark cycles of various periods*, Pflugers Arch. 306:58-70 (1969)
1027	Campbell et al., *Light treatment for sleep disorders: consensus report. I. Chronology of seminal studies in humans*, Review J. Biol. Rhythms., 10(2):105-9 (1995)
1028	Provencio et al., *A Novel Human Opsin in the Inner Retina*, The Journal of Neuroscience 20(2): 600-605 (2000)
1029	RESERVED
1030	World Health Organization, "Lasers and Optical Radiation" (1982)
1031	International Commission on Non-Ionizing Radiation Protection, *Guidelines on Limits to Exposure to Broad-Band Incoherent Optical Radiation (0.38 t0 3 µM)*, Health Physics: 73(3):539-554 (1997)
1032	Levine, "Chapter 1: An Introduction to Neuroendocrine Systems," Handbook of Neuroendocrinology, Fink et al. Eds. Academic Press, 3-19 (2012)
1033	Cleveland Clinic, "Dopamine." Available at https://my.clevelandclinic.org/health/articles/22581- dopamine. Visited November 28, 2022
1034	Watson et al., *Neuropharmacology of Sleep and Wakefulness*, Sleep Med. Clin., 5:513-528 (2010)
1035	Confidential Settlement and Patent License Agreement

Pursuant to 35. U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), and the Board's August 24, 2023 email, Petitioner Bear Down Brands, LLC dba Verilux, Inc., and Patent Owner The Litebook Company Ltd. jointly request that the settlement agreement between the parties, filed herewith and referenced in the concurrently filed Joint Motion to Terminate IPR as Exhibit 1035, be treated as business confidential information, which shall be kept separate from the file of the U.S. Patent No. 7,678,140.

The parties consider the settlement agreement to contain highly sensitive business confidential information that would substantially harm their business interests if publicly disclosed. Further, the terms of the settlement agreement require that the settlement agreement be kept confidential. As such, the parties hereby jointly request that the settlement agreement 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.

The parties hereby certify that, to the best of their knowledge, the documents sought to be protected have not been made publicly available.

Respectfully submitted,

Date: August 30, 2023

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Cabrach J. Connor
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CERTIFICATE OF SERVICE

The undersigned certifies, in accordance with 37 C.F.R. § 42.6(e), that service was made on Patent Owner as detailed below.

Date of service	August 30, 2023
Manner of service	Email: cab@CLandS.com John@CLandS.com
Documents served	Joint Request to Treat Settlement Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317(b) Exhibit 1035
Persons served	Cabrach J. Connor John M. Shumaker CONNOR LEE & SHUMAKER PLLC 609 Castle Ridge Road, Suite 450 Austin, Texas 78746

By: */Dara Del Rosario/*
Name: Dara Del Rosario
ROPES & GRAY LLP