

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.

IPR2023-00974
U.S. Patent No. 6,875,225

**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. 6,875,225
1002	File History of U.S. Patent No. 6,875,225
1003	Declaration of Eric M. Simon
1004	U.S. Patent No. 5,167,228 ("Czeisler")
1005	U.S. Patent No. 5,301,090 ("Hed")
1006	U.S. Patent No. 5,733,032 ("Bolta-032")
1007	U.S. Patent No. 4,564,886 ("Morceles")
1008	U.S. Patent No. 6,163,038 ("Chen")
1009	U.S. Patent No. 6,267,779 ("Gerdes")
1010	U.S. Patent No. 5,545,192 ("Czeisler-192")
1011	U.S. Patent No. 5,871,271 ("Chien")
1012	U.S. Patent No. 6,086,220 ("Lash")
1013	U.S. Patent No. 5,908,294 ("Schick")
1014	U.S. Patent No. 5,163,426 ("Czeisler-426")
1015	U.S. Patent No. 4,858,609 ("Cole")
1016	U.S. Patent No. 5,503,637 ("Kyrlicos")
1017	U.S. Patent No. 5,562,719 ("Lopez-Claros")
1018	U.S. Patent No. 6,139,164 ("Bolta-164")
1019	U.S. Patent No. 1,660,794 ("Hudson")

1020	Canadian Patent No. 2,300,569 (“Pederson CA1”)
1021	Canadian Patent No. 2,317,319 (“Pederson CA2”)
1022	Heeke, “Light-Emitting Diodes and Cool White Fluorescent Light Similarly Suppress Pineal Gland Melatonin and Maintain Retinal Function and Morphology in the Rat,” June 1999
1023	U.S. Patent No. 5,047,006 (“Brandston”)
1024	U.S. Patent No. 6,488,698 (“Hyman”)
1025	U.S. Patent No. 6,350,275 (“Vreman”)
1026	U.S. Patent No. 5,923,398 (“Goldman”)
1027	U.S. Patent No. 4,429,373 (“Fletcher”)
1028	National Library of Medicine #101401066 (“U.S. Army, Fitzsimons General Hospital, Denver, CO: Alpine light treatment, Physio-therapy Department”)
1029	U.S. Patent No. 6,221,095 (“Van Zuylen”)
1030	U.S. Patent No. 6,016,038 (“Mueller”)
1031	Lex Machina U.S. District Court for the Central District of California Average Lifecycle
1032	Scheduling Order, Dkt. No. 37 in <i>The Litebook Company, Ltd. v. Verilux, Inc.</i> , Case No. 8:22-cv-01124-CJC-JDE
1033	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 1033, be treated as business confidential information, which shall be kept separate from the file of the U.S. Patent No. 6,875,225.

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

/Daniel W. Richards/

Daniel W. Richards
Lead Counsel for Petitioner
Registration No. 69,652

/Cabrach J. Connor/

Cabrach J. Connor
Lead Counsel for Patent Owner
Registration No. 53,837

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 1033

Persons served Cabrach J. Connor
John M. Shumaker
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By: /Dara Del Rosario/
Name: Dara Del Rosario
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