

Filed: July 22, 2024

On behalf of **Cala Health, Inc.**

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CALA HEALTH, INC.,
Petitioner,

v.

EMKINETICS INC.,
Patent Owner.

IPR2024-00743
U.S. Patent 11,628,300

**JOINT REQUEST TO FILE THE SETTLEMENT AGREEMENT AS
BUSINESS CONFIDENTIAL INFORMATION PURSUANT TO 35 U.S.C. § 317**

Petitioner Cala Health, Inc. (“Petitioner”) and Patent Owner EMKinetics Inc. (“Patent Owner”) (collectively, the “Parties”) file this Joint Request in support of their Authorized Joint Motion to Dismiss the Petition (“Motion to Dismiss,” Paper 6) filed on July 12, 2024. In an ordered dated July 18, 2024, the Board ordered the Parties to file a true copy of the Settlement Agreement underlying the Motion to Dismiss prior to termination of the proceeding. Paper 7 at 3-4.

Pursuant to 37 C.F.R. § 42.74 and the Board’s instructions on July 18, 2024, Paper No. 7, the Parties jointly request that the Confidential Settlement Agreement (marked now as Ex. 1022), referenced in the Motion to Dismiss (Paper 6), be treated as business confidential information. The parties further jointly request that the Confidential Settlement Agreement be kept separate from the file of the patent involved in the *inter partes* review and not be made available to any other party without meeting the requirements of 37 C.F.R. § 42.74(c)(1)-(2). The Confidential Settlement Agreement includes terms that would cause competitive harm to the Parties if publicly disclosed.

Accordingly, the parties respectfully request that the Board grant this Joint Request to file the Confidential Settlement Agreement as business confidential information, and to be kept separately from the patent file.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 22, 2024

By: /Joshua J. Stowell/

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Dated: July 22, 2024

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Attorneys for Patent Owner,
EMKINETICS, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **JOINT REQUEST TO FILE THE SETTLEMENT AGREEMENT AS BUSINESS CONFIDENTIAL INFORMATION PURSUANT TO 35 U.S.C. § 317** is being served on July 22, 2024, via FedEx Priority Overnight service on counsel for Patent Owner EMKinetics Inc. of U.S. Patent No. 11,628,300.

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