

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MEDTRONIC XOMED, INC.  
Petitioner,

v.

NEUROVISION MEDICAL PRODUCTS, INC.  
Patent Owner.

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Case IPR2016-01405	Patent 8,634,894
Case IPR2016-01406	Patent 8,634,894
Case IPR2016-01847	Patent 8,467,844
Case IPR2017-00456	Patent 8,634,894

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**JOINT REQUEST TO KEEP SEPARATE PURSUANT TO 35 U.S.C.  
§ 317(b) AND 37 C.F.R. § 42.74(c)**

Patent Owner Neurovision Medical Products, Inc. and Petitioner Medtronic Xomed, Inc. have reached a settlement. The settlement agreement resolves the dispute in the abovecaptioned *inter partes* reviews and all disputes between Neurovision and Medtronic (and all other defendants in the related district court litigation) relating to U.S. Patent Nos. 8,634,894 (“’894 Patent”) and 8,467,844 (“’844 Patent”). The parties jointly request that the Board treat the settlement agreement as business confidential information and keep it separate from the files of these proceedings and the files of the ’894 Patent and ’844 Patents.

### **I. Statement of Precise Relief Requested**

The parties jointly request that the Board treat the settlement agreement as business confidential information and keep it separate from the files of these proceedings and the files of the ’894 Patent and ’844 Patents. The parties request that the settlement agreement “be made available only to Federal Government agencies on written request, or to any person on a showing of good cause” in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74.

### **II. Reasons Why Relief Is Appropriate**

The terms of the settlement agreement require the parties to treat the settlement agreement as confidential information and limit the parties’ ability to share the settlement agreement or disclose its contents with third parties. The parties have filed a copy of the settlement agreement with the Board, as required

by 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74.<sup>1</sup> The confidential settlement agreement was filed in the PTAB E2E system to provide availability only to the parties and the Board.

Respectfully submitted,

Date: May 8, 2017

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<sup>1</sup> Exhibit 2058 in IPR2016-01405; Exhibit 2058 in IPR2016-01406; Exhibit 2026 in IPR2016-01847; Exhibit 2030 in IPR2017-00456.

**CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e)(1))**

The undersigned hereby certifies that the above document was served on May 8, 2017, by filing this document through the Patent Trial and Appeal Board End to End system as well as delivering a copy via electronic mail upon the following attorneys of record for the Petitioner:

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