

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ELEKTA INC.

Petitioner

v.

VARIAN MEDICAL SYSTEMS, INC.

Patent Owner

Case IPR2016-01904

Patent No. 6,888,919

**JOINT REQUEST TO FILE SETTLEMENT
AGREEMENT AS BUSINESS CONFIDENTIAL
INFORMATION PURSUANT TO 35 U.S.C. § 317 and
37 C.F.R. § 42.74(c)**

Mail Stop “PATENT BOARD”

Patent Trial and Appeal Board

U.S. Patent and Trademark Office

P.O. Box. 1450

Alexandria, Virginia 22313-1450

Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74, and the Board's Order Authorizing Motion to Terminate, Paper No. 11 (April 7th, 2017), Patent Owner Varian Medical Systems, Inc. ("Patent Owner") and Petitioner Elekta, Inc. ("Petitioner") jointly request to file the Settlement Agreement, submitted concurrently herewith as Exhibit 2008 to the Joint Motion to Terminate the Proceeding, in its entirety, as Business Confidential information.¹

If requested, the rules permit the parties to have any filed settlement agreement treated as business confidential information and kept separate from the files of the involved patent. 37 C.F.R. § 42.74(c). Indeed, the statute requires it.

At the request of a party to the proceeding, the agreement or understanding shall be treated as business confidential information, shall be kept separate from the file of the involved patents, and shall be made available only to Federal Government agencies on written request, or to any person on a showing of good cause.

35 U.S.C. § 317(b).

Petitioner and Patent Owner hereby request that the settlement agreement filed herewith as Exhibit 2008 be treated as business confidential information, be kept separate from the file of the above captioned IPR, and be made available only to

¹ The Settlement Agreement has been filed electronically via E2E for "Parties and Board Only" to preserve confidentiality.

Federal Government agencies on written request, or to any person on a showing of good cause pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). In view of that request the settlement agreement has been filed for access by the “Parties and Board Only.”

Respectfully submitted this 12th day of April, 2017.

/Eliot D. Williams/

Eliot D. Williams
Reg. No. 50,822
Baker Botts L.L.P.
1001 Page Mill Road
Building One, Suite 200
Palo Alto, California 94304
Phone: (650) 739-7511
E-mail: eliot.williams@bakerbotts.com

Lead Counsel for Patent Owner

/Timothy J. May/

Timothy J. May
Reg. No. 41,538
Finnegan, Henderson, Farabow, Garrett &
Dunner, LLP
901 New York Avenue, NW
Washington, DC 20001
Phone: (202) 408-4000
E-mail: tim.may@finnegan.com

Lead Counsel for Petitioner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e), I hereby certify that on April 12, 2017 the foregoing document is being served electronically by agreement of the parties, by e-mail to the following counsel of record:

Timothy J. May tim.may@finnegan.com
James R. Barney james.barney@finnegan.com
Lauren J. Dreyer lauren.dreyer@finnegan.com
Joshua L. Goldberg joshua.goldberg@finnegan.com

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
901 New York Avenue, NW
Washington, DC 20001
(202) 408-4000

/Eliot D. Williams/