

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NUVASIVE, INC.
Petitioner

v.

WARSAW ORTHOPEDIC, INC.
Patent Owner

Case IPR2013-00206 (SCM)
Patent 8,251,997 B2

Before Andrew Kellogg, *Trial Paralegal*

Order Making Exhibits Public
37 C.F.R. § 42.14

Along with their Response, Paper 32, Patent Owner submitted exhibits, some of which were labeled ‘private’ and thus viewable only to the Parties and the Board.¹ “A party intending a document or thing to be sealed shall file a motion to seal concurrent with the filing of the document or thing to be sealed. The document or thing shall be provisionally sealed on receipt of the motion and remain so pending the outcome of the decision on the motion.” 37 C.F.R. § 42.14. No accompanying motion to seal was filed. On February 3, 2014, the Board issued an order, in part, giving Patent Owner until February 7, 2014 to file a motion to seal. *See* Paper 36. In response, Patent Owner filed a Motion to Make Exhibits 2048, 2050, 2051, and 2052 Viewable to the Public stating, “after further review of Exhibits 2048, 2050, 2051, and 2052, Patent Owner submits that these exhibits were incorrectly uploaded to be viewable by ‘Parties and Board Only.’ Thus, to the extent that Exhibits 2048, 2050, 205, and 2052 contained any confidential information, Patent Owner hereby waives any claim to confidentiality and requests that Exhibits 2048, 2050, 2051, and 2052 henceforth be made viewable to the public.” Paper 38.

Accordingly, because there is no motion to seal, and because Patent Owner now requests that the certain exhibits be made public, Patent Owner’s Motion to Make Exhibits 2048, 2050, 2051, and 2052 Viewable to the Public is *granted*.

¹ Exhibits 2048, 2050, 2051, and 2052

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