

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NUVASIVE, INC.,  
Petitioner,

v.

WARSAW ORTHOPEDIC, INC.,  
Patent Owner.

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Case IPR2013-00206  
Patent 8,251,997 B2

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Before SALLY C. MEDLEY, LORA M. GREEN, and STEPHEN C. SIU,  
*Administrative Patent Judges.*

SIU, *Administrative Patent Judge.*

JUDGMENT

Granting Joint Motion to Terminate after Remand from  
the Court of Appeals for the Federal Circuit  
*35 U.S.C. § 317 and 37 C.F.R. §§ 42.72, 42.74*

On April 19, 2017, the parties filed a Joint Motion to Terminate this proceeding (Paper 75), a true copy of the parties' settlement agreement (Ex. 2069), and a request to treat the settlement agreement as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

In the Joint Motion to Terminate this proceeding, the parties represent that they have settled their disputes regarding U.S. Patent 8,251,997 B2 ("the '997 patent"). Paper 75. The present *Inter Partes* Review was vacated-in-part and remanded to the Patent Trial and Appeal Board by the U.S. Court of Appeals for the Federal Circuit ("Federal Circuit"). *In Re: Warsaw Orthopedic, Inc.*, Nos. 2015-1050, 2015-1058, slip op. at 14 (Fed. Cir. Aug. 9, 2016). We determine that it is appropriate to terminate this proceeding without rendering any further decisions. *See* 37 C.F.R. § 42.72.

#### ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the parties' request to treat the settlement agreement (Ex. 2069) as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is GRANTED, and

FURTHER ORDERED that the Joint Motion to Terminate this proceeding is GRANTED, and this proceeding is hereby terminated.

IPR2013-00206  
Patent 8,251,997 B2

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