

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SANTA'S BEST
Petitioner,

v.

VARIABLE LIGHTING LLC
Patent Owner.

Case IPR2016-01066
Patent 6,285,140

**JOINT REQUEST TO KEEP PAPERS SEPARATE AS BUSINESS
CONFIDENTIAL INFORMATION PURSUANT
TO 35 U.S.C. § 317(b)**

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Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

PETITIONER'S UPDATED EXHIBIT LIST

Exhibit	DESCRIPTION
1001	U.S. Patent No. 6,285,140 to Ruxton
1002	File History of U.S. Patent Application No. 09/295,367 (now U.S. Patent No. 6,285,140)
1003	Declaration of Mike Wood
1004	U.S. Patent No. 5,008,595 to Kazar
1005	U.S. Patent No. 4,675,575 to Smith et al.
1006	International Patent Application No. PCT/GB91/00843 to Gomoluch
1007	Certified Translation of Japanese Patent Application H9-180291 to Minato et al. and Japanese Language Original
1008	U.S. Patent No. 5,757,111 to Sato
1009	U.S. Patent No. 6,528,954 to Lys et al.
1010	<i>Curriculum Vitae</i> of Expert Mike Wood
1011	Excerpt from the American Heritage Dictionary, 4 th Ed.
1012	[CONFIDENTIAL] Polygroup Settlement and Patent License Agreement
1013	[CONFIDENTIAL] Santa's Best Settlement Agreement

INTRODUCTION

The Parties have entered into a SETTLEMENT AGREEMENT Effective MARCH 15, 2017 (Agreement) that resolves all underlying disputes involving U.S. Patent No. 6,295,140, including *Inter Partes* Review proceeding IPR2016-01066.

In the Email dated April 12, 2017, the Board authorized the parties to file a joint motion to terminate and a joint request to file agreement as business confidential information.

As required by the Board, the parties are submitting a true copy of the Agreement between Santa's Best and Variable Lighting (Ex. 1013), along with their joint motion to terminate.

TREAT AGREEMENT AS BUSINESS CONFIDENTIAL INFORMATION

If requested, the rules permit the parties to have any filed 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 agreement filed herewith as Exhibit 1013 be treated as business confidential information, be kept separate from the file of the above captioned IPR, and be made available only to 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, Exhibit 1013 has been filed for access by the “Board Only.”

Dated: April 13, 2017

Respectfully Submitted,

/Jason Eisenberg/

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **JOINT REQUEST TO KEEP PAPERS SEPARATE AS BUSINESS CONFIDENTIAL INFORMATION PURSUANT TO 35 U.S.C. § 317(b)** and Exhibit 1013 were served electronically via e-mail on April 13, 2017, in their entireties on the following counsel of record for the Patent Owner:

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Respectfully Submitted,

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