

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ZTE (USA) INC., ZTE CORPORATION,  
OLYMPUS CORPORATION; OLYMPUS AMERICA INC.,  
SAMSUNG ELECTRONICS CO., LTD., AND  
SAMSUNG ELECTRONICS AMERICA, INC.,  
Petitioners,

v.

PAPST LICENSING GMBH & CO. KG  
Patent Owner.

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Case IPR2017-00714<sup>1</sup>  
Patent 6,470,399

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**JOINT REQUEST TO FILE SETTLEMENT AGREEMENT AS BUSINESS  
CONFIDENTIAL INFORMATION AND TO MAINTAIN SAID  
AGREEMENT SEPARATE FROM THE PUBLIC FILE PURSUANT TO 35  
U.S.C. § 317(b) AND 37 C.F.R. § 42.74(c)**

Mail Stop PATENT BOARD  
Patent Trial and Appeal Board  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) and the Board's authorization of January 3, 2018, Petitioners Olympus Corporation and Olympus America Inc. and Patent Owner Papst Licensing GmbH & Co. KG jointly request to

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<sup>1</sup> Case IPR2017-01808 has been joined with this proceeding.

treat as business confidential information the true and complete copy of the Settlement Agreement (Confidential Exhibit 2007) between the parties, as referenced in the parties' Joint Motion to Terminate with Respect to Olympus Corporation and Olympus America, Inc. Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74, filed concurrently herewith.

35 U.S.C. § 317(b) provides that:

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.

Likewise, 37 C.F.R. § 42.74(c) provides that:

A party to a settlement may request that the settlement be treated as business confidential information and be kept separate from the files of an involved patent or application. The request must be filed with the settlement. If a timely request is filed, the settlement shall only be available:

- (1) To a Government agency on written request to the Board; or
- (2) To any other person upon written request to the Board to make the settlement agreement available, along with the fee specified in § 42.15(d) and on a showing of good cause.

The present request, which is being filed contemporaneously with the Settlement Agreement, is timely and in accordance with the foregoing authority. Therefore, parties request that the Settlement Agreement (Confidential Exhibit 2007) (i) be treated as business confidential information, (ii) be maintained separate from the publicly available file of the involved patent, and (iii) shall be made available only to Federal Government agencies on written request, or to persons showing good cause on written request, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

Respectfully submitted,

Dated: January 3, 2018

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**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on January 3, 2018, a complete and entire copy of the foregoing paper has been served in its entirety by e-mail on counsel for Petitioners. Petitioners have agreed to electronic service.

Dated: January 3, 2018

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