

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZTE (USA) INC.¹,
SAMSUNG ELECTRONICS CO., LTD., AND
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioners,

v.

PAPST LICENSING GMBH & CO. KG
Patent Owner.

Case IPR2017-00714²
Patent 6,470,399

**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)**

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

¹ ZTE Corporation was identified as a Real-Party-in-Interest in the Corrected Petition, but was not in fact, nor was it listed in the case caption as a Petitioner. However, the Decision on Institution (Paper 10) included ZTE Corporation in the caption as a Petitioner. ZTE USA is the only ZTE entity who is properly a petitioner, and ZTE USA requests that the record be corrected to reflect this fact. The remainder of this pleading will therefore refer to ZTE USA and includes all ZTE entities who are actually a Petitioner.

² Case IPR2017-01808 has been joined with this proceeding.

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) and the Board's authorization of January 9, 2018, Petitioner ZTE (USA) Inc. ("ZTE") and Patent Owner Papst Licensing GmbH & Co. KG jointly request to treat as business confidential information the true and complete copy of the Settlement Agreement between the parties, as referenced in the parties' Joint Motion to Terminate with Respect to ZTE 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 (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 12, 2018

/Nicholas T. Peters/
Nicholas T. Peters
Registration No. 53,456
Paul B. Henkelmann
Registration No. 65,891
FITCH, EVEN TABIN & FLANNERY,
LLP
120 S. LaSalle Street, Suite 1600
Chicago, IL 60603

*Counsel for Patent Owner Papst Licensing
GmbH & Co. KG*

/Scott R. Miller/
Scott R. Miller
Registration No. 32,276
Darren Franklin
Registration No. 51,701

SHEPPARD MULLIN RICHTER &
HAMPTON, LLP
333 South Hope Street, 43rd Floor
Los Angeles, CA 90071
(213) 620-1780

Attorneys for Petitioner ZTE (USA) Inc.

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on January 12, 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 12, 2018

By: /Nicholas T. Peters/
Nicholas T. Peters
Registration No. 53,456
ntpete@fitcheven.com
Lead Counsel for Patent Owner