

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

OLYMPUS CORPORATION, OLYMPUS CORPORATION OF THE
AMERICAS, and OLYMPUS AMERICA INC.,
Petitioners,

v.

MAXELL LTD.,
Patent Owner.

Case: IPR2018-00904

U.S. Patent No. 8,339,493

**AUTHORIZED JOINT REQUEST TO FILE
AGREEMENT AS BUSINESS CONFIDENTIAL
INFORMATION PURSUANT TO 35 U.S.C. § 317(b)**

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

December 18, 2018

Petitioners Olympus Corporation, Olympus Corporation of the Americas, and Olympus America Inc. (hereinafter “Petitioner”) and Patent Owner Maxell, Ltd. have entered into an agreement resolving all proceedings between them.¹ In a conference call on November 30, 2018, the Board authorized the parties to file a motion to dismiss with prejudice and a joint request to file the agreement as business confidential information. As required by the Board, the parties are submitting a true copy of the agreement (as Exhibit 1018) and this joint request to file the agreement as business confidential information.

RELIEF REQUESTED

If requested, the rules permit the parties to have any filed settlement 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).

¹ Substantively identical motions are being filed in all pending proceedings between Olympus and Maxell: IPR2018-00904, IPR2018-00906, IPR2018-00908, IPR2018-00909, IPR2018-00910, and IPR2018-00911.

Patent No. 8,339,493
Joint Request to File Agreement as Confidential

Pursuant to 37 C.F.R. § 42.74(c) and 35 U.S.C. § 317(b), Petitioner and Patent Owner jointly request that the Office treat the agreement submitted herewith as business confidential information, that the agreement be kept separate from the file of U.S. Patent No. 8,339,493, and that the agreement be made available only to the Federal Government agencies on written request or to other persons only on a showing of good cause.

Patent No. 8,339,493
Joint Request to File Agreement as Confidential

Dated: December 18, 2018

Respectfully submitted,

/Matthew J. Moffa/

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Patent No. 8,339,493
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Certificate of Service (37 C.F.R. § 42.6(e)(4))

I hereby certify that the attached AUTHORIZED JOINT REQUEST TO FILE AGREEMENT AS BUSINESS CONFIDENTIAL INFORMATION PURSUANT TO 35 U.S.C. § 317(b) was served as of the below date by electronic mail on the Patent Owner at the following correspondence addresses:

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