

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NOKIA CORP. AND NOKIA OF AMERICA CORP.,
Petitioners

v.

PACKET INTELLIGENCE LLC,
Patent Owner

Case: IPR2019-01292
U.S. Patent No. 6,771,646

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

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

On September 19, 2019, Petitioners Nokia Corp. and Nokia of America Corp. (collectively, “Nokia” or “Petitioners”) and Patent Owner Packet Intelligence LLC (“PI” or “Patent Owner”) settled their dispute with respect to U.S. Patent No. 6,771,646 (the “Challenged Patent”), which is subject to the above-captioned *inter partes* review proceeding. The *Litigation Settlement Agreement* between the parties fully resolves all disputes relating to the Challenged Patent before the district court, court of appeals, and the PTAB. *See* EX1069. Pursuant to 37 C.F.R. § 42.74(b), any agreement or understanding between the parties made in connection with, or in contemplation of, the termination of a proceeding shall be in writing and a true copy shall be filed with the Board before the termination of the trial. Accordingly, the parties have filed the *Litigation Settlement Agreement* herewith as EX1069.

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), the parties hereby jointly request that EX1069 be treated as confidential business information, kept separate from the files of the involved patent, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause.

The terms require the parties to treat the *Litigation Settlement Agreement* as confidential information and limit the parties’ ability to share the settlement agreement or disclose its contents with third parties. *See* EX1069, at 10-11. Moreover, the *Litigation Settlement Agreement* does not contain any information

material to patentability. As such, the parties respectfully request that the Board treat EX1069 as confidential business information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

Dated: September 25, 2019

/Thomas W. Davison/
Thomas W. Davison
Registration No. 57,160
Lead Counsel for Petitioners

Dated: September 25, 2019

/Michael Heim/
Michael Heim
Registration No. 32,702
Lead Counsel for Patent Owner

CERTIFICATION OF SERVICE (37 C.F.R. §§ 42.6(e))

The undersigned hereby certifies that the above-captioned “JOINT REQUEST TO FILE SETTLEMENT AGREEMENT AS CONFIDENTIAL BUSINESS INFORMATION” was served in its entirety on September 25, 2019, pursuant to agreement via email to counsel for Patent Owner at:

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/Thomas W. Davison/
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