

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DISH NETWORK L.L.C., AT&T SERVICES, INC.,
and DIRECTV, LLC,¹
Petitioner

v.

BROADBAND iTV, INC.,
Patent Owner

Case IPR2020-01267
U.S. Patent No. 10,028,026 B2

**JOINT REQUEST TO FILE SETTLEMENT 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

¹ AT&T Services, Inc. and DIRECTV, LLC filed a motion for joinder and a petition in Case IPR2021-00556, which were granted, and, therefore, have been joined as petitioners in this proceeding.

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), Petitioner DISH Network L.L.C. (“DISH”) and Patent Owner Broadband iTV, Inc. (“BBiTV”) hereby jointly request that a true copy of their settlement agreement, filed concurrently herewith as Exhibit 2200, be treated as business confidential information and be kept separate from the file of this *inter partes* review (IPR) proceeding. Concurrently with the filing of this Request, the parties are filing a Joint Motion to Terminate this IPR with respect to DISH Network L.L.C. due to the settlement agreement between DISH and BBiTV. The Board authorized DISH and BBiTV to file this joint request in an email of November 30, 2021.

DISH and BBiTV consider the settlement agreement to contain highly sensitive business confidential information that would substantially harm their business interests if publicly disclosed. As such, DISH and BBiTV hereby jointly request that the settlement agreement be kept as a separate paper to be made available only under the provisions of 35 U.S.C § 317(b) and 37 C.F.R. § 42.74(c). The settlement agreement has been filed for access by the “Board and Filing Party Only.” DISH and BBiTV further jointly request that the Board order that in the event a person or entity makes a written request for access to the settlement agreement, as stated in 37 C.F.R. § 42.74(c)(1)-(2), any such written request be served upon DISH and BBiTV on the day the written request is provided to the Board.

Respectfully submitted,

Date: December 2, 2021

ORRICK, HERRINGTON & SUTCLIFFE LLP

/K. Patrick Herman/

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Counsel for Petitioner DISH Network L.L.C.

Date: December 2, 2021

STERNE, KESSLER, GOLDSTEIN & FOX, P.L.L.C.

/Jason A. Fitzsimmons/

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Counsel for Patent Owner Broadband iTV, Inc.

CERTIFICATION OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **JOINT REQUEST TO FILE SETTLEMENT AGREEMENT AS BUSINESS CONFIDENTIAL INFORMATION PURSUANT TO 35 U.S.C. § 317(b)** was electronically served via e-mail in its entirety on December 2, 2021, upon the following counsel of record for Petitioners:

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