

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VOLKSWAGEN GROUP OF AMERICA, INC., MAZDA MOTOR OF
AMERICA, INC., SUBARU OF AMERICA, INC.,
and VOLVO CAR USA, LLC,
Petitioners

v.

STRATOSAUDIO, INC.,
Patent Owner

Case IPR2021-00716
Patent No. 8,688,028

**JOINT REQUEST TO MAINTAIN CONFIDENTIALITY AND TO KEEP
SEPARATE PURSUANT TO 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74**

I. INTRODUCTION

Petitioner Mazda Motor of America, Inc. (“Mazda”) and StratosAudio, Inc. (“Patent Owner”) (collectively, the “Parties”) have resolved Patent Owner’s claims for relief against Mazda and executed a settlement agreement regarding U.S. Patent No. 8,688,028 (the “’028 Patent”). Pursuant to 35 U.S.C. § 327(b), the Parties jointly request that the Board treat the settlement agreement as business confidential information and keep it separate from the file of the involved patent.

II. STATEMENT OF PRECISE RELIEF REQUESTED

The Parties jointly request that the Board treat the settlement agreement (Exhibit 2024) as business confidential information and keep it separate from the file of the involved patent. There are no other collateral agreements between the parties made in connection with, or in contemplation of, the termination sought. The parties request that the Agreement “be made available only to Federal Government agencies on written request, or to any person on a showing of good cause” in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74. The Parties further request the Board to not make the settlement agreement available to any third-party (including entities constituting Petitioner other than Mazda), except as provided for in 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74. The parties were authorized to file this Joint Request by the Board (via email) on June 9, 2022.

III. STATEMENT OF REASONS FOR THE RELIEF REQUESTED

The Parties have executed a settlement agreement regarding their dispute relating to the '028 Patent. The settlement agreement describes the terms of the parties' agreement, which constitutes confidential commercial information under the Board's rule. *See* 37 C.F.R. § 42.54; Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,760 (Aug. 14, 2012). The settlement agreement also provides that the terms of the settlement agreement are confidential and the Parties have treated them as such. The Parties are filing, concurrently herewith, a true and correct copy of the settlement agreement with the Board as Exhibit 2024, as required by 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74. This Exhibit was filed in the PRPS system to provide availability to "Board Only." The Parties jointly request that the settlement agreement be treated as business confidential information and be kept separate from the file of the involved patent, pursuant to 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c).

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing

**JOINT REQUEST TO MAINTAIN
CONFIDENTIALITY AND TO KEEP SEPARATE
PURSUANT TO 35 U.S.C. § 327(b) and
37 C.F.R. § 42.74**

was served on July 21, 2022, by delivering a copy by email to the attorneys of record for the Petitioner Mazda Motor of America, Inc. at the following email addresses:

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