

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VOLKSWAGEN GROUP OF AMERICA, INC.,
and SUBARU OF AMERICA, INC.,
Petitioners

v.

STRATOSAUDIO, INC.,
Patent Owner

Case IPR2021-00721
Patent No. 8,166,081

**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 Subaru of America, Inc. (“Subaru”) and StratosAudio, Inc. (“Patent Owner”) (collectively, the “Parties”) have resolved Patent Owner’s claims for relief against Subaru and executed a settlement agreement (the “Agreement”) regarding U.S. Patent No. 8,166,081 (the “’081 Patent”). Pursuant to 35 U.S.C. § 327(b), the Parties jointly request that the Board treat the 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 Agreement (Exhibit 2026) 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 not make the Agreement available to any third-party (including entities constituting Petitioner other than Subaru), 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 October 14, 2022.

III. STATEMENT OF REASONS FOR THE RELIEF REQUESTED

The Parties executed the Agreement regarding their dispute relating to the '081 Patent. The 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 Agreement also provides that the terms of the settlement are confidential and the Parties have treated them as such. The Parties are filing, concurrently herewith, a true and correct copy of the Agreement with the Board as Exhibit 2026, 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 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 October 20, 2022, by delivering a copy by email to the attorneys of record for the Petitioner Subaru of America, Inc. at the following email addresses:

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