

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

BELL NORTHERN RESEARCH, LLC,
Patent Owner

IPR2021-01590
Patent 8,416,862 B2

Before BRYAN F. MOORE, SHARON FENICK and JASON M. REPKO,
Administrative Patent Judges.

MOORE, *Administrative Patent Judge.*

ORDER
Clarifying Prior Decision
37 C.F.R. § 42.5(a)

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On January 28, 2022, we issued a termination decision, Paper 8, in which we granted the parties' "Joint Motion to Keep [Settlement Agreement (Exhibit 2001)] Confidential and Separate under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c)" (Paper 6 ("Joint Motion to Keep Separate")).

The Joint Motion to Keep Separate states, in part, that Exhibit 2001 be kept separate from the files of the involved patent *and inter partes review proceeding*, and only made available to Federal Government agencies upon written request, or to any other person upon written request and a finding of good cause *after notice to the parties to the agreement and an opportunity for those parties to respond to the request*.

Paper 6, 2 (emphasis added).

We herein clarify that the parties requested and we granted the Joint Motion to Keep Separate "under 37 C.F.R. § 42.74(c)," which does not include the emphasized language. Thus, the Settlement Agreement may be made available without notice to the parties to the agreement and an opportunity for those parties to respond to the request, and the Settlement Agreement need not be kept separate from the files of this proceeding.

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