

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ALIGN TECHNOLOGY, INC.,  
Petitioner

v.

3SHAPE A/S,  
Patent Owner

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Case IPR2022-00145  
Patent RE48,221

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**JOINT REQUEST THAT THE SETTLEMENT AGREEMENT BE TREATED  
AS BUSINESS CONFIDENTIAL INFORMATION AND BE KEPT SEPARATE  
UNDER 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

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), Petitioner Align Technology, Inc. (“Petitioner”) and Patent Owner 3Shape A/S (“Patent Owner”) hereby jointly request that a true copy of their settlement agreement, filed concurrently herewith as Exhibit 1049, 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, Petitioner is filing an Unopposed Motion to Dismiss Petition for *Inter Partes* Review due to the settlement between the parties.

The parties consider the settlement agreement to contain highly sensitive business confidential information that would substantially harm their business interests if publicly disclosed. As such, the parties 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 “Parties and Board Only.” The parties further jointly request that the Board order that in the event a person or entity makes a written request, as stated in 37 C.F.R. § 42.74(c)(1)-(2), for access to the settlement agreement, that any such written request be served upon the parties on the day the written request is provided to the Board.

Date: February 18, 2022

Respectfully submitted,

/Jason D. Eisenberg/

Jason D. Eisenberg (Reg. No. 43,447)  
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C  
Attorney for Petitioner

Date: February 18, 2022

Respectfully submitted,

/Todd R. Walters/

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Attorney for Patent Owner

**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME  
LIMITATION, TYPEFACE REQUIREMENTS, AND TYPE STYLE  
REQUIREMENTS**

1. This paper complies with the page limitation of 15 pages excluding the parts exempted by 37 C.F.R. § 42.24.

2. This paper complies with the general format requirements of 37 C.F.R. § 42.6 and has been prepared using Microsoft® Word 2016 in 14 point Times New Roman.

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

/Jason D. Eisenberg/

Jason D. Eisenberg (Reg. No. 43,447)  
Attorney for Petitioner

Date: February 18, 2022

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**CERTIFICATION OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above-captioned **JOINT REQUEST THAT THE SETTLEMENT AGREEMENT BE TREATED AS BUSINESS CONFIDENTIAL INFORMATION AND BE KEPT SEPARATE UNDER 35 U.S.C. § 317(b)** was served electronically via e-mail on February 18, 2022 in its entirety on the following counsel for Patent

Owner:

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Date: February 18, 2022

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