

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FANTASIA TRADING LLC d/b/a ANKERDIRECT,  
Petitioner

v.

SCRAMOGE TECHNOLOGY LTD.,  
Patent Owner

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Case IPR2022-00499  
Patent No. 7,825,537

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**JOINT REQUEST TO FILE SETTLEMENT AGREEMENT AS  
BUSINESS CONFIDENTIAL INFORMATION UNDER  
35 U.S.C. § 317(b) AND 37 C.F.R. § 42.72(c)**

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), Petitioner and Patent Owner (collectively “Parties”) hereby jointly request to treat as business confidential information, and to keep separate from the file of the involved patent, the true and complete copy of the Settlement Agreement (Confidential Exhibit 1020), between the parties as referenced in the Joint Motion to Terminate Proceeding pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74, filed concurrently herewith.

35 U.S.C. § 317(b) provides that:

At the request of a party to the proceeding, the agreement or understanding shall be treated as business confidential information, shall be kept separate from the file of the involved patents, and shall be made available only to Federal Government agencies on written request, or to any person on a showing of good cause.

Likewise, 37 C.F.R. § 42.74(c) provides that:

A party to a settlement may request that the settlement be treated as business confidential information and be kept separate from the files of an involved patent or application. The request must be filed with the settlement. If a timely request is filed, the settlement shall only be available:

- (1) To a Government agency on written request to the Board; or

(2) To any other person upon written request to the Board to make the settlement agreement available, along with the fee specified in § 42.15(d) and on a showing of good cause.

The present request, which is being filed contemporaneously with the Settlement Agreement, is timely and in accordance with the foregoing authority. Therefore, parties request that the Settlement Agreement submitted as Confidential Exhibit 1020 (i) be treated as business confidential information, (ii) be maintained separate from the publicly available file of the involved patent, and (iii) shall be made available only to Federal Government agencies on written request, or to persons showing good cause on written request, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

Date: September 2, 2022

Respectfully submitted,

/Michael T. Hawkins/  
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*Counsel for Petitioner*

/Brett Cooper/  
Brett Cooper, Reg. No. 55,085  
Russ, August & Kabat  
*Counsel for Patent Owner*

**CERTIFICATE OF SERVICE**

Pursuant to 37 CFR § 42.6(e)(4), the undersigned certifies that on September 2, 2022, a complete and entire copy of this Joint Request to File Settlement Agreement as Business Confidential Information Under 35 U.S.C. § 317 was provided via email, to the Patent Owner by serving the correspondence email addresses of record as follows:

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