

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AVX CORPORATION  
Petitioner

v.

SAMSUNG ELECTRO-MECHANICS CO., LTD.  
Patent Owner

Patent No. 9,326,381

Issue Date: April 26, 2016

Title: MULTILAYER CERAMIC CAPACITOR AND BOARD HAVING THE  
SAME MOUNTED THEREON

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Post-Grant Review No. PGR2017-00010

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**JOINT MOTION TO KEEP EXHIBIT 1029 CONFIDENTIAL AND  
SEPARATE UNDER 35 U.S.C. § 327(b) AND 37 C.F.R. § 42.74(c)**

Pursuant to 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c), Petitioner AVX Corporation (“AVX”) and Patent Owner Samsung Electro-Mechanics Co., Ltd. (“Samsung”) (collectively, the “Parties”) jointly request to file Exhibit 1029, the settlement agreement between the Parties as referenced in the Joint Motion to Terminate filed concurrently herewith, as business confidential information, and to have it be kept separate from the file of the involved patent. The Parties sought authorization from the Board to file this motion via email dated January 29, 2018 , and authorization was granted in the Board’s Order dated January 30, 2018 (Paper 22).

If requested, the rules permit the Parties to have any filed settlement agreement treated as business confidential information and kept separate from the files of the involved patent. 37 C.F.R. § 42.74(c). Indeed, the statute requires it. 35 U.S.C. § 327(b). Furthermore, the Board’s Order (Paper 22 at 3) authorized the parties to upload the settlement agreements as available to the Board and Parties only in order to protect the settlement agreements from being viewed by the public.

The Parties hereby request that the settlement agreement filed herewith as Exhibit 1029 be treated as business confidential information, be kept separate from the file of the above captioned IPR, and be made available only to Federal Government agencies on written request, or to any person on a showing of good

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cause pursuant to 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c). In view of the Parties' request and the Board's Order, the settlement agreement (Exhibit 1029) has been filed for access by the "Parties and Board Only."

Dated: February 5, 2018

Respectfully submitted,

/Michael R. Houston for Hosang Lee/

Hosang Lee  
Reg. No. 69,333  
McDermott Will & Emery LLP  
500 North Capitol St. N.W.  
Washington, D.C. 20001  
Phone: 202-756-8063  
hlee@mwe.com

Lead Counsel for Patent Owner  
Samsung Electro-Mechanics Co., Ltd.

/Michael R. Houston/

Michael R. Houston  
Reg. No. 58,486  
Foley & Lardner LLP  
3000 K. St. N.W.  
Washington, D.C. 20008  
Phone: 312-832-4378  
mhouston@foley.com

Lead Counsel for Petitioner  
AVX Corporation

**CERTIFICATION OF SERVICE**

The undersigned hereby certifies that the foregoing “JOINT REQUEST THAT SETTLEMENT AGREEMENT (EX. 1029) BE TREATED AS BUSINESS CONFIDENTIAL INFORMATION AND KEPT SEPARATE UNDER 35 U.S.C. § 327(b) AND 37 C.F.R. § 42.74(c)” was served on February 5, 2018, by filing this document through the PTAB E2E system as well as delivering a copy via electronic mail to the following attorneys of record for the patent owner:

Hosang Lee [HLee@mwe.com](mailto:HLee@mwe.com)  
Bernard J. Knight [BKnight@mwe.com](mailto:BKnight@mwe.com)  
Alexander P. Ott [AOtt@mwe.com](mailto:Aott@mwe.com)

Respectfully submitted,

Dated: February 5, 2018

By: /Michael R. Houston/

Michael Houston  
Reg. No. 58,486  
Foley & Lardner LLP  
E-Mail: [MHouston@foley.com](mailto:MHouston@foley.com)

Nicholas M. Lagerwall  
Reg. No. 63,272  
Foley & Lardner LLP  
E-Mail: [nlagerwall@foley.com](mailto:nlagerwall@foley.com)