

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

T-MOBILE US, INC. and T-MOBILE USA, INC.,
Petitioners

v.

HUAWEI TECHNOLOGIES CO. LTD.,
Patent Owner

Case IPR2017-00671

Patent 8,638,750

**JOINT REQUEST TO FILE SETTLEMENT AGREEMENT AS
CONFIDENTIAL BUSINESS INFORMATION PURSUANT TO
35 U.S.C. § 317(b) AND 37 C.F.R. § 42.74(c)**

Mail Stop ***"PATENT BOARD"*** Patent
Trial and Appeal Board U.S. Patent and
Trademark Office P.O. Box 1450
Alexandria, VA 22313-1450

On December 21, 2017, Petitioners T-Mobile US, Inc. and T-Mobile USA, Inc. (“T-Mobile” or “Petitioners”) and Patent Owner Huawei Technologies Co. LTD. (“Huawei” or “Patent Owner”) settled their dispute with respect to U.S. Patent No. 8,638,750 (“the 750 Patent”), which is subject to the above-captioned *inter partes* review proceeding. The *Litigation Settlement Agreement* between the parties fully resolves all disputes relating to the 750 Patent before the district court, court of appeals, and the PTAB. *See* Exhibit 1028. Pursuant to 37 C.F.R. § 42.74(b), any agreement or understanding between the parties made in connection with, or in contemplation of, the termination of a proceeding shall be in writing and a true copy shall be filed with the Board before the termination of the trial. Accordingly, the parties have filed the *Litigation Settlement Agreement* herewith as Exhibit 1028.

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), the parties hereby jointly request that Exhibit 1028 is treated as confidential business information, kept separate from the files of the involved patent, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause. The Board authorized the parties to file this Joint Request on December 28, 2017 via email.

The terms require the parties to treat the *Litigation Settlement Agreement* as confidential information and limit the parties’ ability to share the settlement

agreement or disclose its contents with third parties. *See* Exhibit 1028, at 4-5. Moreover, the *Litigation Settlement Agreement* does not contain any information material to patentability. As such, the parties respectfully request that the Board treat Exhibit 1028 as confidential business information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

Dated: December 29, 2017

/Joseph F. Haag/
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Dated: December 29, 2017

/W. Karl Renner/
W. Karl Renner
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CERTIFICATION OF SERVICE (37 C.F.R. §§ 42.6(e))

The undersigned hereby certifies that the above-captioned “JOINT REQUEST TO FILE SETTLEMENT AGREEMENT AS CONFIDENTIAL BUSINESS INFORMATION PURSUANT TO 35 U.S.C. § 317(b) AND 37 C.F.R. § 42.74(c)” was served in its entirety via email to the Patent Owner by serving the correspondence email addresses of record as follows:

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