

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DTS, INC. AND PHORUS, INC.
Petitioners,

v.

AVAGO TECHNOLOGIES GENERAL IP (SINGAPORE) PTE. LTD.
Patent Owner

Case No. IPR2017-02201
Patent No. 6,684,060

**JOINT REQUEST TO FILE SETTLEMENT AGREEMENT, LICENSE
AGREEMENT, AND COLLATERAL AGREEMENTS AS BUSINESS
CONFIDENTIAL INFORMATION AND TO MAINTAIN SAID
AGREEMENTS SEPARATE FROM THE PUBLIC FILE PURSUANT TO
35 U.S.C. § 317(b) AND 37 C.F.R. § 42.74(c)**

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. §§ 42.72 (c) and the Board's authorization of December 19, 2017, Petitioners DTS, Inc. and Phorus, Inc. (collectively, "DTS") and Patent Owner Avago Technologies General IP (Singapore) Pte. Ltd. ("Avago") jointly request to treat as business confidential information the true copies of the written Settlement Agreement (Confidential Exhibit 2001) and License Agreement (Confidential Exhibit 2002) between the parties, and collateral agreements (Confidential Exhibits 2003-2006) (collectively, the "Agreements"), as referenced in the parties' Joint Motion to Terminate Pursuant to 35 U.S.C. § 317 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 Agreements, is timely and in accordance with the foregoing authority. Therefore, the parties request that the Settlement Agreement (Confidential Exhibit 2001), License Agreement (Confidential Exhibit 2002), and collateral agreements (Confidential Exhibits 2003-2006) (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: December 21, 2017

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6, I hereby certify that on this 21st day of December 2017, the foregoing Joint Request to File Settlement Agreement, License Agreement, and Collateral Agreements as Business Confidential Information and to Maintain Said Agreements Separate from the Public File Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) was served via email by agreement of the parties on the following counsel of record for Petitioner:

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