

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DTN, LLC.
Petitioner,

v.

FARMS TECHNOLOGY LLC
Patent Owner

Case IPR2018-01412
Patent No. 7,991,685

Case IPR2018-01525
Patent No. 7,742,979

**PETITIONER AND PATENT OWNER'S JOINT REQUEST
TO FILE COLLATERAL AGREEMENTS AS BUSINESS
CONFIDENTIAL INFORMATION PURSUANT TO 35 U.S.C. § 317**

The Patent Trial and Appeal Board requested that Petitioner DTN, LLC (“Petitioner”) and Patent Owner Farms Technology LLC (“Patent Owner”) (collectively, the “Parties”) submit copies of two collateral agreements that are referenced in the Parties’ Settlement Agreement (Ex. 1012). While the Parties respectfully submit that these two collateral agreements do not fall within the scope of 35 U.S.C. § 317 and 37 C.F.R. § 42.74,¹ the Parties file herewith true and correct copies of the First Collateral Agreement (Ex. 2008) and the Second Collateral Agreement (Ex. 2009) referenced in the Parties’ Settlement Agreement (Ex. 1012).

The First and Second Collateral Agreements (Exs. 2008, 2009) contain business confidential information of the Parties, as well as business confidential information of third parties not involved in these IPR proceedings (namely, the other parties to the First and Second Collateral Agreements). Additionally, Petitioner (and each of the other parties to the Second Collateral Agreement) agreed to not publicly disclose the terms of the First and Second Collateral Agreements. *See* Exhibit 2009 at 6-7 (§ 12).

As such, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), Petitioner DTN, LLC (“Petitioner”) and Farms Technology LLC (“Patent Owner”) jointly

¹ Pursuant to the Board’s authorization granted during the conference call conducted on May 15, 2019, the Parties are contemporaneously filing a Joint Motion to Expunge the First and Second Collateral Agreements (Exs. 2008, 2009), which explains why these two collateral agreements do not fall within the scope of 35 U.S.C. § 317 and 37 C.F.R. § 42.74.

request that the First and Second Collateral Agreements (Exs. 2008, 2009) be treated as business confidential information, be kept separate from the files of the subject patents in the captioned proceedings, and be made available only to Federal Government agencies on written request or to persons showing good cause. *See* 35 U.S.C. § 317(b); 37 C.F.R. § 42.74(c).

DATED: May 21, 2019

Respectfully submitted,

/ Joshua P. Larsen /
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Lead Counsel for Patent Owner

/ J. David Cabello /
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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that, on this 21st day of May 2019, I caused a true and correct copy of the foregoing document to be served via e-mail (as agreed in the Service Information section of the Petition) on the following counsel of record for the Petitioner:

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