

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PRIME WIRE & CABLE, INC.,
Petitioner

v.

CANTIGNY LIGHTING CONTROL, LLC,
Patent Owner

Case IPR2018-01592
Patent No. 9,320,122 B2

**JOINT REQUEST TO FILE SETTLEMENT AGREEMENT AS BUSINESS
CONFIDENTIAL INFORMATION AND TO MAINTAIN SAID
AGREEMENT 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. § 42.74(c) and the Board's authorization of December 4, 2018, Petitioner Prime Wire & Cable, Inc. ("Petitioner") and Patent Owner Cantigny Lighting Control, LLC ("Patent Owner") jointly request to treat as business confidential information the true and complete copy of the Settlement Agreement (Confidential Exhibit 2001) between the parties and licensee of U.S. Patent No. 9,320,122, Jasco Products Company, as referenced in the parties' Joint Motion to Terminate Pursuant to 35 U.S.C. § 317 and 37 C.F.R. §§ 42.72 and 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, the parties request that the Settlement Agreement (Confidential Exhibit 2001) (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).

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY LLP

Dated: December 5, 2018

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CERTIFICATE OF SERVICE

The undersigned certifies in accordance with 37 C.F.R. § 42.6(e) that on December 5, 2018, a copy of the foregoing JOINT REQUEST TO FILE SETTLEMENT AGREEMENT AS BUSINESS CONFIDENTIAL INFORMATION AND TO MAINTAIN SAID AGREEMENT SEPARATE FROM THE PUBLIC FILE PURSUANT TO 35 U.S.C. § 317(b) AND 37 C.F.R. § 42.74(c) was served by e-mail on counsel for Petitioner at the following e-mail addresses:

John K. Buche, jbuche@buchelaw.com
Bryce A. Johnson, bjohnson@buchelaw.com

Petitioner has agreed to electronic service.

Dated: December 5, 2018

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