

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

METASWITCH NETWORKS LTD. and
METASWITCH NETWORKS CORPORATION,
Petitioner,

v.

SONUS NETWORKS, INC.
(d/b/a RIBBON COMMUNICATIONS OPERATING COMPANY),
Patent Owner.

Case IPR2019-00052
Patent 6,775,269

JOINT REQUEST TO KEEP SETTLEMENT

AGREEMENT CONFIDENTIAL

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), Metaswitch Networks Ltd. and Metaswitch Networks Corporation (collectively “Petitioner”) and Sonus Networks, Inc. (d/b/a Ribbon Communications Operating Company) (“Patent Owner”) jointly request that the Settlement and Cross-License Agreement, filed separately as Confidential Exhibit 1022, and referenced in Petitioner’s and Patent Owner’s concurrently-filed Joint Motion To Terminate Proceeding, be treated as business confidential information, be kept separate from the file of the involved patent, and be made available only to Federal Government agencies on written request, or to any person on a showing of good cause pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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.

It is believed that no fee is due with this filing. If necessary, however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1050.

Dated: June 5, 2019

Respectfully submitted,

By /David Conrad/

Joshua A. Griswold, Reg. No. 46,310
David B. Conrad, Reg. No. 60,788
Craig A. Deutsch, Reg. No. 69,264
Fish & Richardson P.C.
3200 RBC Plaza
60 South Sixth Street
Minneapolis, MN 55402

Attorneys for Petitioner

Proceeding No.: IPR2019-00052
Attorney Docket: 42360-0004IPB

Dated: June 5, 2019

Respectfully submitted,

By /Chad Walters/

Chad C. Walters, Reg. No. 48,022

Kurt M. Pankratz, Reg. No. 46,977

Sarah Guske, *pro hac vice*

BAKER BOTTS L.L.P.

2001 Ross Avenue

Dallas, Texas 75201

Attorneys for Patent Owner

