

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VMWARE, INC.,
Petitioner

v.

INTELLECTUAL VENTURES I LLC,
Patent Owner

Case IPR2020-00470
Patent 7,949,752

**AMENDED JOINT REQUEST THAT THE SETTLEMENT AGREEMENT
BE TREATED AS BUSINESS CONFIDENTIAL INFORMATION AND BE
KEPT SEPARATE UNDER 35 U.S.C. § 317(b)**

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), Petitioner VMware Inc. (“Petitioner”) and Patent Owner Intellectual Ventures I LLC (“Patent Owner”) hereby jointly request that a true copy of their settlement agreement, filed concurrently herewith as Exhibits 2021 and 2022 be treated as business confidential information and be kept separate from the file of this *inter partes* review (IPR) proceeding. Concurrently with the filing of this Request, Petitioner and Patent Owner are filing an Amended Joint Motion to Terminate the IPR due to the settlement between the parties.

The parties consider the settlement agreement (Exhibits 2021 and 2022) to contain highly sensitive business confidential information that would substantially harm their business interests if publicly disclosed. As such, the parties hereby jointly request that the settlement agreement (Exhibits 2021 and 2022) be kept as separate papers to be made available only under the provisions of 35 U.S.C § 317(b) and 37 C.F.R. § 42.74(c). The settlement agreement (Exhibits 2021 and 2022) has been filed for access by the “Parties and Board Only.” The parties further jointly request that the Board order that in the event a person or entity makes a written request, as stated in 37 C.F.R. § 42.74(c)(1)-(2), for access to the settlement agreement (Exhibit 2021 and 2022), that any such written request be served upon the parties on the day the written request is provided to the Board.

Date: January 28, 2021

Respectfully submitted,

/ Louis L. Campbell /

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WINSTON & STRAWN LLP
Counsel for Petitioner

Date: January 28, 2021

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/ Lestin Kenton /

Lestin Kenton (Reg. No. 72,314)
Counsel for Patent Owner

**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME
LIMITATION, TYPEFACE REQUIREMENTS, AND TYPE STYLE
REQUIREMENTS**

1. This paper complies with the page limitation of 15 pages excluding the parts exempted by 37 C.F.R. § 42.24.
2. This paper complies with the general format requirements of 37 C.F.R. § 42.6 and has been prepared using Microsoft® Word 2016 in 14 point Times New Roman.

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/ Lestin Kenton /

Lestin Kenton (Reg. No. 72,314)
Counsel for Patent Owner

Date: January 28, 2021

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CERTIFICATION OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above-captioned **AMENDED JOINT REQUEST THAT THE SETTLEMENT AGREEMENT BE TREATED AS BUSINESS CONFIDENTIAL INFORMATION AND BE KEPT SEPARATE UNDER 35 U.S.C. § 317(b)** was served electronically via e-mail on January 28, 2021 in its entirety on the following counsel for Petitioner:

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