

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VMWARE, INC.,
Petitioner

v.

INTELLECTUAL VENTURES II LLC,
Patent Owner

Case IPR2020-01081
Patent RE44,818

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

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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 II LLC (“Patent Owner”) hereby jointly request that a true copy of their settlement agreement, filed concurrently herewith as Exhibit 1044 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 a Joint Motion to Withdraw the IPR due to the settlement between the parties.

The parties consider the settlement agreement 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 be kept as a separate paper 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 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, that any such written request be served upon the parties on the day the written request is provided to the Board.

Date: January 22, 2021

Respectfully submitted,

/ Katherine Vidal /

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Date: January 22, 2021

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**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.

Date: January 22, 2021

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CERTIFICATION OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above-captioned **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 22, 2021 in its entirety on the following counsel for Petitioner:

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