

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

DELL INC.,  
Petitioner,

v.

3G LICENSING S.A.,  
Patent Owner.

---

Case No. IPR2020-01157

U.S. Patent No. 7,274,933

---

**Joint Request to Treat Exhibit 1034 As Business Confidential Information**

Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.74, Petitioner Dell Inc. (“Dell”) and Patent Owner 3G Licensing S.A. (“3G”) have reached a settlement as to all the disputes in this proceeding and jointly move to terminate the above-captioned proceeding. As permitted by statute, Dell and 3G (the “Parties”) jointly request that the Board treat as business confidential information the true and complete copy of the Settlement and License Agreement (Confidential Exhibit 1034) between the Parties, filed concurrently herewith, as referenced in the parties’ Joint Motion to Terminate Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74, also 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.

*Joint Request to Treat Exhibit 1034 As  
Business Confidential Information  
IPR2020-01157*

The Parties consider the Settlement and License Agreement to contain highly sensitive business confidential information that would substantially harm their business interests if publicly disclosed. The Settlement and License Agreement has been filed for access “Available only to board.” The present request, which is being filed contemporaneously with the Settlement and License Agreement, is timely and in accordance with the foregoing authority. Therefore, the parties request that the Settlement and License Agreement (Confidential Exhibit 1034) (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, with any such written request being served on the parties on the day it is provided to the Board, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

DATED: December 10, 2021

Respectfully Submitted,

/Brian M. Buroker/

Brian M. Buroker (Reg. No. 39,125)  
GIBSON, DUNN & CRUTCHER LLP  
1050 Connecticut Ave. NW  
Washington, DC 20036  
Phone: (202) 955-8500  
Fax: (202) 467-0539  
Email: [bburoker@gibsondunn.com](mailto:bburoker@gibsondunn.com)

*Attorney for Petitioner Dell Inc.*

**CERTIFICATE OF SERVICE**

The undersigned certifies service on the Patent Owner, pursuant to 37 C.F.R. § 42.6(e), by electronic (e-mail) delivery of a true copy of the foregoing JOINT REQUEST TO TREAT EXHIBIT 1034 AS BUSINESS CONFIDENTIAL INFORMATION to lead and back-up counsel of record for Patent Owner as follows:

TD-PTAB@devlinlawfirm.com

nbenchell@devlinlawfirm.com

sberger@devlinlawfirm.com

ademarco@devlinlawfirm.com

dlflitparas@devlinlawfirm.com

DATED: December 10, 2021

By:

*/Brian M. Buroker/*

Brian M. Buroker (Reg. No. 39,125)  
GIBSON, DUNN & CRUTCHER LLP  
1050 Connecticut Ave. NW  
Washington, DC 20036  
Phone: (202) 955-8500  
Fax: (202) 467-0539  
Email: [bburoker@gibsondunn.com](mailto:bburoker@gibsondunn.com)

*Attorney for Petitioner Dell Inc.*