

Filed on behalf of:  
Petitioner

Paper No. \_\_\_\_  
Date: January 18, 2023

By: Bryan C. Smith (Lead Counsel)  
George R. McGuire (Back-up Counsel)

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SIGNIFY NORTH AMERICA CORPORATION,

Petitioner,

v.

BLACKBIRD TECH LLC,

Patent Owner.

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Case IPR2023-00054

Patent 7,086,747

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

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), Petitioner SIGNIFY NORTH AMERICA CORPORATION (“Petitioner”) and Patent Owner BLACKBIRD TECH LLC (“Patent Owner”) hereby jointly request that a true copy of their settlement agreement, filed concurrently herewith as **Exhibit 1034**, 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 is filing an Unopposed Motion to Dismiss Petition for *Inter Partes* Review 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.

IPR2023-00054 (Patent 7,086,747)

Joint Request that Settlement Agreement be Treated as Business Confidential

Date: January 18, 2023

Respectfully submitted,

/Bryan C. Smith/

Bryan C. Smith (Lead Counsel)

Registration No. 59,767

BOND SCHOENECK & KING, PLLC

Attorney for Petitioner

Date: January 18, 2023

Respectfully submitted,

/Wendy Verlander/

Wendy Verlander (Lead Counsel)

Registration No. 35,177

VERLANDER LLP

Attorney 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.

Respectfully submitted,

Date: January 18, 2023

/Bryan C. Smith/

Bryan C. Smith (Lead Counsel)

Registration No. 59,7673

## CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), this is to certify that on this 18<sup>th</sup> day of January, 2023, I caused to be served a true and correct copy of the foregoing **JOINT REQUEST THAT THE SETTLEMENT AGREEMENT BE TREATED AS BUSINESS CONFIDENTIAL INFORMATION AND BE KEPT SEPARATE UNDER 35 U.S.C. § 317(b)** by e-mail on the following designated counsel of record:

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*Counsel for Patent Owner*  
**BLACKBIRD TECH LLC**

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