

Paper No. _____
Filed: August 30, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner

v.

OPENTV, INC.
Patent Owner

Case IPR2015-00969
Patent 5,884,033

**JOINT REQUEST TO FILE SETTLEMENT AGREEMENT
AS BUSINESS CONFIDENTIAL INFORMATION PURSUANT
TO 35 U.S.C. § 317(b)**

INTRODUCTION

Petitioner and Patent Owner previously filed a Joint Motion to Terminate along with five agreements that, taken together, resolved all underlying disputes between the parties, including this proceeding. In an email dated August 30, 2016, the Board authorized the Patent Owner to file a true copy of a writing that reflects an agreement or understanding between Petitioner and Patent Owner made in connection with or in contemplation of termination of this proceeding. As authorized by the Board, the parties are submitting a true copy of the writing between Petitioner and Patent Owner (Ex. 2012). The parties have agreed to waive service of the writing on each other.

RELIEF REQUESTED

If requested, the rules permit the parties to have any filed settlement agreement treated as business confidential information and kept separate from the files of the involved patent. 37 C.F.R. § 42.74(c). Indeed, the statute requires it.

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.

35 U.S.C. § 317(b).

Pursuant to 37 C.F.R. § 42.74(c) and 35 U.S.C. § 317(b), Petitioner and Patent Owner jointly request that the Office treat the writing (Exhibit 2012) as business confidential information, that the writing be kept separate from the file of the involved patent, and that the writing be made available only to Federal Government agencies on written request, or to other persons only on a showing of good cause.

Respectfully submitted,

Dated: August 30, 2016

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **JOINT REQUEST TO FILE SETTLEMENT AGREEMENT AS BUSINESS CONFIDENTIAL INFORMATION PURSUANT TO 35 U.S.C. § 317(b)** was served via e-mail on counsel of record for the Petitioner on August 30, 2016 at the following addresses:

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Dated: August 30, 2016

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