

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.

Petitioner

v.

HUAWEI TECHNOLOGIES CO. LTD.,

Patent Owner

Case IPR2017-02076

Patent 8,531,971

**JOINT REQUEST TO FILE SETTLEMENT AGREEMENT AS
CONFIDENTIAL BUSINESS INFORMATION PURSUANT TO
35 U.S.C. § 317(b) AND 37 C.F.R. § 42.74(c)**

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

On January 11, 2018, Petitioner Cisco Systems, Inc. (“Cisco” or “Petitioner”) and Patent Owner Huawei Technologies Co. LTD. (“Huawei” or “Patent Owner”) settled their dispute with respect to U.S. Patent No. 8,531,971 (“the ’971 Patent”), which is subject to the above-captioned *inter partes* review proceeding. The *Litigation Settlement Agreement* between the parties fully resolves all disputes relating to the ’971 Patent before the district court, court of appeals, and the PTAB. *See* Exhibit 1100. Pursuant to 37 C.F.R. § 42.74(b), any agreement or understanding between the parties made in connection with, or in contemplation of, the termination of a proceeding shall be in writing and a true copy shall be filed with the Board before the termination of the trial. Accordingly, the parties have filed the *Litigation Settlement Agreement* herewith as Exhibit 1100.

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), the parties hereby jointly request that Exhibit 1100 is treated as confidential business information, kept separate from the files of the involved patent, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause. The Board authorized the parties to file this Joint Request on January 16, 2018 via email.

The terms require the parties to treat the *Litigation Settlement Agreement* as confidential information and limit the parties’ ability to share the settlement agreement or disclose its contents with third parties. *See* Exhibit 1100, at 3.

Moreover, the *Litigation Settlement Agreement* does not contain any information material to patentability. As such, the parties respectfully request that the Board treat Exhibit 1100 as confidential business information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

Dated: January 18, 2018

/ Daniel S. Block /
Daniel S. Block
Registration No. 68,395
Counsel for Petitioner
Cisco Systems, Inc.

Dated: January 18, 2018

/Stuart A. Nelson/
Stuart A. Nelson
Registration No. 63,947
Counsel for Patent Owner Huawei
Technologies Co. LTD.

CERTIFICATION OF SERVICE (37 C.F.R. §§ 42.6(e))

The undersigned hereby certifies that the above-captioned “JOINT REQUEST TO FILE SETTLEMENT AGREEMENT AS CONFIDENTIAL BUSINESS INFORMATION PURSUANT TO 35 U.S.C. § 317(b) AND 37 C.F.R. § 42.74(c)” was served on January 18, 2018 in its entirety via email to the Patent Owner by serving the correspondence email addresses of record as follows:

Michael T. Hawkins (IPR35548-0053IP3@fr.com)

W. Karl Renner (AXF-PTAB@fr.com, PTABInbound@fr.com)

Dan Smith (PTABInbound@fr.com)

Stuart A. Nelson (PTABInbound@fr.com)

Jun Li (PTABInbound@fr.com)

/ Daniel S. Block /

Daniel S. Block
Registration No. 68,395
Counsel for Petitioner
Cisco Systems, Inc.