

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Avigilon USA Corporation and Avigilon Corporation,

Petitioners,

v.

Canon Inc.

Patent Owner.

Case IPR2020-00866

U.S. Patent No. 10,135,952

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

Petitioners Avigilon USA Corporation and Avigilon Corporation (“Avigilon”) and Patent Owner Canon Inc. (“Canon”) are contemporaneously filing a Joint Motion to Terminate along with a Settlement Agreement (Confidential Exhibit 1108) that resolves all underlying disputes between the parties, including this proceeding. Pursuant to 35 U.S.C. § 317(b), 37 C.F.R. §§42.74(c), and the Board’s authorization on July 13, 2020, Petitioners and Patent Owner jointly request to treat the filed Settlement Agreement between the parties as business confidential information and keep it separate from the file of this proceeding and the involved patents.¹

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 statutes require 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). Likewise, 37 C.F.R. § 42.74(c) provides that:

¹ The Settlement Agreement has been filed electronically via E2E for “Parties and Board Only” to preserve confidentiality.

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.

37 C.F.R. § 42.74(c).

Therefore, the parties hereby jointly request that the Settlement Agreement filed herewith (i) be treated as business confidential information, (ii) be maintained separate from the publicly available file of the above-captioned proceeding, and (iii) shall be made available only to Federal Government agencies on written request, or to any persons showing good cause on written request, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

Dated: July 14, 2020

Respectfully submitted,

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CERTIFICATION OF SERVICE

The undersigned hereby certifies that “**JOINT REQUEST TO FILE SETTLEMENT AGREEMENT AS BUSINESS CONFIDENTIAL INFORMATION PURSUANT TO 35 U.S.C. § 317(b) AND 37 C.F.R. § 42.74(c)**” was served in its entirety on **July 14, 2020**, upon the following parties via FedEx Overnight delivery directed to the assignee for the patent at the following address:

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