

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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BLACKBERRY LIMITED,  
Petitioner

v.

MOBILE IRON, INC.,  
Patent Owner

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Case IPR2020-01604  
U.S. Patent No. 8,359,016

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**JOINT REQUEST TO KEEP AGREEMENT BUSINESS  
CONFIDENTIAL AND SEPARATE UNDER 37 C.F.R. § 42.74(c)**

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

Petitioner and Patent Owner (the “Parties”) jointly request the settlement agreement executed on February 22, 2021 (the “Settlement Agreement,” Exhibit 1037) between the Parties be treated as business confidential information and kept separate from the file of the involved patent. The Settlement Agreement is referenced in the Joint Motion to Terminate Proceeding, filed concurrently herewith.

The rules contemplate that agreements will be maintained as business confidential information, upon request. *See, e.g.*, 37 C.F.R. § 42.74(c), which 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.

The present request, which is being filed contemporaneously with the Settlement Agreement, is timely and in accordance with the foregoing authority. Therefore, the Parties request that the Settlement Agreement (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, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

Respectfully Submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/Kyle E. Conklin/

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Attorney for Petitioner

Date: March 11, 2021

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Respectfully Submitted,

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Date: March 11, 2021

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**CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e)(1))**

The undersigned certifies that a true and correct copy of the foregoing  
**JOINT REQUEST TO KEEP AGREEMENT BUSINESS CONFIDENTIAL  
AND SEPARATE UNDER 37 C.F.R. § 42.74(C)** was served in its entirety  
electronically via e-mail on March 11, 2021, on the following counsel for Patent  
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Respectfully Submitted,

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