

Paper No.____
Filed: January 11, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THE HILLMAN GROUP, INC.,
Petitioner

v.

HY-KO PRODUCTS COMPANY LLC,
Patent Owner

Case IPR2022-01201
Patent No. 8,644,619

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

Petitioner The Hillman Group, Inc., and Patent Owner Hy-Ko Products Company LLC have entered into a settlement agreement that resolves all underlying disputes between the parties, including this *inter partes* review proceeding IPR2022-01201, against U.S. Patent No. 8,644,619 (the “’619 patent”), currently before the Board.

In an email dated January 4, 2023, the Board authorized the parties to file a joint motion to terminate and a joint request to treat the settlement agreement as business confidential information. In accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b), a true copy of the settlement agreement between the parties is being submitted concurrently herewith in this proceeding as Ex. 1012.

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).

Accordingly, 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 settlement

agreement filed concurrently herewith as Ex. 1012 as business confidential information, that the agreement be kept separate from the file of the involved patent, and that the agreement 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: January 11, 2023

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Counsel for Petitioner

By: /David B. Cupar/
David B. Cupar, Reg. No. 47,510
Counsel for Patent Owner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **Joint Request to Treat Settlement Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317(b)** was served on January 11, 2023, via email directed to counsel of record for Patent Owner at the following:

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Dated: January 11, 2023

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