

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMMSCOPE TECHNOLOGIES LLC,¹
Petitioner,

v.

DALI WIRELESS, INC.,
Patent Owner.

IPR2022-01293
Patent 10,334,499

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

¹ The Board joined T-Mobile USA, Inc. as a party (Petitioner) to this proceeding. Previous co-petitioner Corning Optical Communications LLC was terminated as a party by PTAB order dated February 6, 2023.

Lead Petitioner CommScope Technologies LLC (“CommScope”) and Patent Owner Dali Wireless, Inc. (“Dali”) (collectively, the “Parties”) have settled their dispute with respect to U.S. Patent No. 10,334,499. The Settlement Agreement fully resolves all disputes between CommScope and Dali relating to U.S. Patent No. 10,334,499 before the district court and the Patent Trial and Appeal Board. 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, CommScope and Dali are filing the Settlement Agreement herewith as Exhibit 1065. CommScope and Dali also are filing a Joint Motion to Terminate the present IPR proceeding as to CommScope in light of the settlement.

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), CommScope and Dali hereby jointly request that the Settlement Agreement (Exhibit 1065) be treated as business confidential 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 via email.

CommScope and Dali consider the Settlement Agreement to contain highly sensitive business confidential information that would harm their business interests

if publicly disclosed, and the Settlement Agreement requires CommScope and Dali to treat the Settlement Agreement as confidential information. The Settlement Agreement does not contain any information material to patentability. As such, the parties hereby jointly request that the settlement agreement be kept as a separate paper to be made available only under the provisions of 35 U.S.C § 317(b) and 37 C.F.R. § 42.74(c). The Settlement Agreement has been filed “For Board Only,” not “For Board and Parties Only” because not all the parties to this proceeding are parties to Settlement Agreement (specifically, joined Petitioner T-Mobile and former Petitioner Corning).

CommScope and Dali further jointly request that the Board order that in the event a person or entity makes a written request, as stated in 37 C.F.R. § 42.74(c)(1)-(2), for access to the settlement agreement, that any such written request be served upon the parties on the day the written request is provided to the Board.

CommScope and Dali hereby certify that, to the best of their knowledge, the documents sought to be protected have not been made publicly available.

Dated: October 27, 2023

Respectfully submitted,

By: /Samuel A. Hamer /

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(4) and 42.205(b), the undersigned certifies that on October 27, 2023, a complete and entire copy of the foregoing was provided via electronic service to the Patent Owner by serving the correspondence address of record as follows:

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