

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TREND MICRO INC.
Petitioner

v.

KAJEET, INC.
Patent Owner

Case IPR2023-00178
Patent 7,899,438

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

Petitioner and Patent Owner (the “Parties”), jointly request to treat business confidential information, and to keep separate from the file of the involved patent, the true and complete copy of the Settlement Agreement (executed in separate counterparts and filed as Exhibits 2002 and 2003) between the Parties as referenced in the Joint Motion To Terminate, filed concurrently herewith. The Board authorized the instant motion by e-mail on August 21, 2023.

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,

Date: August 23, 2023

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(1), the undersigned certifies that, on August 23, 2023, a copy of Joint Motion to Terminate Proceeding, Joint Request to File Settlement Agreement as Business Confidential Information Pursuant to 37 C.F.R. § 42.74(c) and accompanying exhibits were provided via email, to Petitioner by serving the email correspondence addresses of record as follows:

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