

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH  
ORGANISATION,  
Petitioner,

v.

BASF PLANT SCIENCE GMBH,  
Patent Owner.

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Case No. PGR2023-00007

U.S. Patent No. 11,260,095

Issued: March 1, 2022

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**JOINT REQUEST TO FILE SETTLEMENT AGREEMENT  
AS BUSINESS CONFIDENTIAL INFORMATION**

Pursuant to 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c), and the Board's authorization on January 24, 2023, Petitioner Commonwealth Scientific and Industrial Research Organisation ("CSIRO") and Patent Owner BASF Plant Science GmbH ("BASF") jointly request the Board and Patent Office to treat as business confidential information, and to keep separate from the files of the involved patent, the true and complete copy of the Settlement Agreement (Exhibit 1016 (Confidential)) between the parties, as referenced in their "Joint Motion to Terminate Post Grant Review" filed concurrently herewith.

35 U.S.C. § 327(b) states:

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.

Likewise, 37 C.F.R. § 42.74(c) states:

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.

This joint request is being filed concurrently with the Settlement Agreement (Exhibit 1016 (Confidential)), is timely, and complies with the foregoing authorities. The parties therefore request that the Settlement Agreement (Exhibit 1016 (Confidential)) (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. § 327(b) and 37 C.F.R. § 42.74(c).

Respectfully submitted,

February 1, 2023

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**CERTIFICATE OF SERVICE**

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The undersigned hereby certifies that, pursuant to 37 C.F.R. § 42.6(e), a copy of the foregoing “JOINT REQUEST TO FILE SETTLEMENT AGREEMENT AS BUSINESS CONFIDENTIAL INFORMATION” is being electronically filed via the Patent Trial and Appeal Case Tracking System (P-TACTS) and served today, February 1, 2023, by e-mail to counsel for Patent Owner BASF at the email addresses listed below:

spatel@marshallip.com  
mizraelewicz@marshallip.com  
MGBlitdocket@marshallip.com

Dated: February 1, 2023

/Darren Haber/

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