UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DELL TECHNOLOGIES INC. AND DELL INC.,

Petitioners,

v.

GREENTHREAD LLC,

Patent Owner.

Case: IPR2023-00509

U.S. Patent No. 11,121,222

JOINT REQUEST TO KEEP SEPARATE PURSUANT TO 35 U.S.C. § 317(b) AND 37 C.F.R. § 42.74(c)

Patent Owner Greenthread LLC and Petitioners Dell Technologies Inc. and Dell Inc. (collectively "Dell") (collectively, Greenthread and Dell are "the Parties") have reached a settlement. The confidential settlement agreements (Exhibits 2001 and 2002) filed concurrently herewith, as referenced in the Joint Motion to Terminate Inter Partes Review, resolve the disputes in the above-captioned *inter partes* review relating to U.S. Patent No. 11,121,222 ("Patent-in-Suit"). The Parties jointly request that the Board treat the settlement agreements as business confidential information and keep them separate from the files of this proceeding and the files of the Patent-in-Suit. The Parties were authorized to file this Joint Request by the Board (via email) on April 27, 2023.

I. Statement of Precise Relief Requested

The Parties jointly request that the Board treat the settlement agreements as business confidential information and keep them separate from the files of this proceeding and the files of the Patent-in-Suit. The Parties request that the settlement agreements "be made available only to Federal Government agencies on written request, or to any person on a showing of good cause" in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74. The Parties also respectfully request that the Board inform them if anyone seeks production of the agreements and afford them an opportunity to address whether such request is supported by good cause.

II. Reasons Why Relief Is Appropriate

The terms of the settlement agreements require the Parties to treat the settlement agreements as confidential information and limit their ability to share the settlement agreements or disclose their contents with third parties. The Parties have filed copies of the settlement agreements with the Board, as required by 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74. The confidential settlement agreements were filed in the PTAB E2E system to provide availability only to the Board.

Dated: May 2, 2023 Respectfully submitted,

<u>/Christopher TL Douglas/</u> *<u>(with permission)</u>* Christopher TL Douglas (Lead Counsel) Counsel for Petitioner Reg. No. 56,950 christopher.douglas@alston.com Lauren N. Griffin (Back-up Counsel) lauren.griffin@alston.com **ALSTON & BIRD LLP** 101 South Tryon Street, Suite 4000 Charlotte, North Carolina 28280 Telephone: (704) 444-1000 Jacob W. Young jacob.young@alston.com **ALSTON & BIRD LLP** 2200 Ross Avenue, Suite 2200 Dallas, Texas 75201 Telephone: (214) 922-3400 Dell-Greenthread@alston.com *Counsel for Petitioners*	*<u>/s/ Alan L. Whitehurst</u>* Alan L. Whitehurst Reg. No. 43,263 awhitehurst@mckoolsmith.com Nicholas T. Matich Reg. No. L1,373 nmatich@mckoolsmith.com Arvind Jairam Reg. No. 62,759 ajairam@mckoolsmith.com Stuart McCommas Reg. No. 71,834 smccommas@mckoolsmith.com Greenthread-IPR-MS@mckoolsmith.com **MCKOOL SMITH, P.C.** 1999 K St. NW, Suite 600 Washington, DC 20006 Telephone: (202) 370-8300 Facsimile: (202) 370-8344 Archis "Neil" Ozarkar Reg. No. 71,265 nozarkar@mckoolsmith.com **MCKOOL SMITH, P.C.** 600 Travis Street, Suite 600 Houston, TX 77002 Telephone: (713) 485-7310 Facsimile: (713) 485-7344 *Counsel for Patent Owner*

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

The undersigned hereby certifies that the foregoing **JOINT REQUEST TO KEEP SEPARATE** has been served on Petitioners via email on the following counsel of record for Petitioners:

Christopher TL Douglas (Lead Counsel)
christopher.douglas@alston.com
Lauren N. Griffin (Back-up Counsel)
lauren.griffin@alston.com
ALSTON & BIRD LLP
101 South Tryon Street, Suite 4000
Charlotte, North Carolina 28280
Telephone: (704) 444-1000
Jacob W. Young
jacob.young@alston.com
ALSTON & BIRD LLP
2200 Ross Avenue, Suite 2200
Dallas, Texas 75201
Telephone: (214) 922-3400
Dell-Greenthread@alston.com

Dated: May 2, 2023

By */s/ Alan L. Whitehurst*
Alan L. Whitehurst (Reg. No. 43,263)