UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

APPLE INC.,
Petitioner

v.

TOGAIL TECHNOLOGIES LTD.,
Patent Owner

---

Case IPR2023-00644
Patent No. 11,115,165

---

**JOINT REQUEST THAT SETTLEMENT AGREEMENT BE TREATED AS BUSINESS CONFIDENTIAL INFORMATION AND BE KEPT SEPARATE PURSUANT TO 35 U.S.C. § 317(b) AND 37 C.F.R. § 42.74**

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), Petitioner Apple Inc. ("Apple") and Patent Owner Togail Technologies Ltd. ("Togail") jointly request that the settlement agreement between the parties filed concurrently herewith as Ex. 1021, as referenced in the Joint Motion to Terminate Proceeding, be treated as business confidential information and be kept separate from the file of the '165 patent.

Apple and Togail consider the settlement agreement (Ex. 1021) to contain highly sensitive business confidential information that would substantially harm their business interests if publicly disclosed. As such, Apple and Togail hereby jointly request that the 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 agreement has been filed for access "Available only to board." Apple and Togail 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 agreement, that any such written request be served upon the parties on the day the written request is provided to the Board and that the parties be given the opportunity to respond to the request.

Date: December 18, 2023

Respectfully submitted,

*/Brett Cooper/*
Brett Cooper (No. 55,085)
BC Law Group, P.C.
200 Madison Avenue, 24th Floor
New York, NY 10016
bcooper@bc-lawgroup.com

*Counsel for Patent Owner Togail Technologies Ltd.*

*/Scott T. Jarratt/*
Scott T. Jarratt, Reg. No. 70,297
Haynes and Boone, LLP
2801 N. Harwood St., Suite 2300
Dallas, TX 75201
scott.jarratt.ipr@haynesboone.com

*Counsel for Petitioner Apple Inc.*

## CERTIFICATE OF SERVICE

The undersigned certifies, under 37 C.F.R. § 42.6, that service was made on the Patent Owner as detailed below.

*Date of service* December 18, 2023

*Manner of service* Electronic Service by email: bcooper@bc-lawgroup.com; robert@auchterlaw.com; Togail_Counsel@b-clg.com

*Documents served* **JOINT REQUEST THAT SETTLEMENT AGREEMENT BE TREATED AS BUSINESS CONFIDENTIAL INFORMATION AND BE KEPT SEPARATE PURSUANT TO 35 U.S.C. § 317(b) AND 37 C.F.R. § 42.74**

*Persons served*

Brett Cooper
BC Law Group, P.C.
200 Madison Avenue, 24th Floor
New York, NY 10016

Robert A. Auchter
Auchter PLLC
1629 K Street, NW, Suite 300
Washington, DC 20006

*/Scott T. Jarratt/*
Scott T. Jarratt
Lead Counsel for Petitioner
Registration No. 70,297