UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA, INC.,

Petitioners,

v.

APEX BEAM TECHNOLOGIES, LLC,

Patent Owner.

Patent No. 10,951,271
Filing Date: June 27, 2019
Issue Date: March 16, 2021

Inventor: Xiaobo Zhang
Title: METHOD AND DEVICE FOR
MULTI-ANTENNA TRANSMISSION IN UE AND BASE STATION

JOINT REQUEST TO TREAT AGREEMENT AS BUSINESS CONFIDENTIAL INFORMATION

Case No. IPR2023-00747

LIST OF EXHIBITS

Exhibit No.	Description
2001	Defendants' Patent L.R. 3-3 Invalidity Contentions and Subject Matter Ineligibility Contentions, *Apex Beam Technologies LLC v. Samsung Electronics Co., Ltd. et al.,* Case No. 2:22-cv-00188-JRG, served March 2, 2023
2002	Order Denying Motion to Stay Pending *Inter Partes* Review, Dkt. 55, *Apex Beam Technologies LLC v. Samsung Electronics Co., Ltd., et al.*, Case No. 2:22-cv-00188-JRG (E.D. Tex. June 14, 2023)
2003	Redline Comparison of the Declaration of Apostolos Kakaes, Ph.D. (Ex. 1003) to the Petition
2004	Declaration of Miguel Gomez ("Gomez Decl."), dated February 6, 2024 and Exhibit A, Curriculum Vitae of Miguel Gomez
2005	Deposition of Apostolos Kakaes, taken in *Samsung Elecs. Co., Ltd. and Samsung Elecs. America, Inc. v. Apex Beam Techs. LLC*, IPR2023-00571 and IPR2023-00747, on January 18, 2024 ("Kakaes Depo.")
2006	Excerpts from Steven M. Kaplan, Wiley Electrical and Electronics Engineering Dictionary (2004)
2007	Patent Owner's Demonstratives
2008	Confidential Settlement Agreement

Pursuant to 35 U.S.C. § 317(a), 37 C.F.R. § 42.74, and the Board's email of August 29, 2024, Petitioner Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, "Petitioner" or "Samsung") and Patent Owner Apex Beam Technologies LLC ("Apex Beam" or "Patent Owner") (collectively, the "Parties") have reached a resolution and jointly move to terminate the above-captioned proceeding. As permitted by statute, Samsung and Apex Beam request that the Board treat as business confidential information, the true copy of the executed agreement resolving the parties' disputes and agreeing to terminate this proceeding and the parties' related district court proceeding (Exhibit 2008), as referenced in the parties' Joint Motion to Terminate Proceeding (pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74), filed concurrently herewith.

35 U.S.C. § 317(b) provides that:

> *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) 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 contemparaneously with the Agreement, is timely and in accordance with the foregoing authority. The Agreement describes the confidential terms resolving the parties' dispute, which constitute confidential information under the Board's rules. *See* 37 C.F.R. § 42.54. The parties hereby certify that, to the best of their knowledge, the documents sought to be protected have not been made publicly available. Both parties also respectfully request that the Board inform us if anyone seeks production of Exhibit 2008 and afford the parties an opportunity to address whether such request is supported by good cause.

Dated: September 11, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.6(e)(4), the undersigned certifies that on September 11, 2024, a complete and entire copy of this Joint Request to Treat Agreement as Business Confidential Information was served by email, to Petitioner's counsel of record as follows:

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