

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NINTENDO CO., LTD., and
NINTENDO OF AMERICA INC.,
Petitioner

v.

POLARIS POWERLED TECHNOLOGIES, LLC,
Patent Owner

Case IPR2023-00778
U.S. Patent No. 8,223,117 B2

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

Mail Stop “PATENT BOARD”
Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313

Nintendo Co., Ltd., and Nintendo of America Inc. (collectively, “Petitioner”) and Polaris PowerLED Technologies, LLC (“Patent Owner”) (collectively, “the parties”) are filing, concurrently with a Joint Motion to Terminate *Inter Partes* Review, a true copy of an executed agreement (EX2041) that resolves all underlying disputes between Petitioner and Patent Owner with respect to U.S. Patent No. 8,223,117 (“the ’117 patent”). Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), Patent Owner hereby requests that the agreement (EX2041) be treated as business confidential information and be kept separate from the file of the ’117 patent. Petitioner does not oppose. The Board authorized the parties to file this unopposed request in an email of April 24, 2024.

Patent Owner considers the agreement to contain highly sensitive confidential business information that would substantially harm its business interests if publicly disclosed. As such, Patent Owner hereby submits this unopposed request that the agreement (EX2041) 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). Patent Owner hereby certifies that, to the best of their knowledge, the document sought to be protected has not been made publicly available. The agreement has been filed for access by the “Board and Parties Only.”

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U.S. Patent No. 8,223,117

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX PLLC

/Jason A. Fitzsimmons/

Jason A. Fitzsimmons
Registration No. 65,367
Counsel for Patent Owner

Date: April 25, 2024

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

The undersigned certifies that a true and correct copy of the foregoing
UNOPPOSED REQUEST TO KEEP AGREEMENT BUSINESS
CONFIDENTIAL AND SEPARATE UNDER 37 C.F.R. § 42.74(c) was served
in its entirety on April 25, 2024, upon the following parties via electronic mail:

Matthew J. Brigham (Lead Counsel)
Andrew C. Mace (Back-Up Counsel)
Patrick W. Lauppe (Back-Up Counsel)
Dena Chen (Back-Up Counsel)
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Respectfully submitted,

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/Jason A. Fitzsimmons/

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