

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

FACETOFACE BIOMETRICS, INC.,
Patent Owner

Inter Partes Review Case No. IPR2023-00833
U.S. Patent No. 11,042,623 B2

**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**

IPR2023-00833
Joint Request That Settlement Agreement be Treated
as Business Confidential Information

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), Petitioner Apple Inc. (“Apple”) and Patent Owner FaceToFace Biometrics, Inc. (“FaceToFace”) jointly request that the settlement agreement between the parties filed concurrently herewith as Ex. 1019, as referenced in the Joint Motion to Terminate Proceeding, be treated as business confidential information and be kept separate from the file of the ’623 patent.

Apple and FaceToFace consider the settlement agreement (Ex. 1019) to contain highly sensitive business confidential information that would substantially harm their business interests if publicly disclosed. As such, Apple and FaceToFace 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 FaceToFace 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. Both parties also respectfully request that the Board inform us if anyone seeks production of Exhibit 1019 and afford the parties an opportunity to address whether such request is supported by good cause.

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Date: June 3, 2024

Respectfully submitted,

/s/ Anthony G. Simon

Anthony G. Simon, Reg. No. 40,813
The Simon Law Firm, P.C.
800 Market Street, Suite 1700
St. Louis, MO 63101
asimon@simonlawpc.com

/s/ Adam P. Seitz

Adam P. Seitz, Reg. No. 52,206
Erise IP, P.A.
7015 College Boulevard, Suite 700
Overland Park, KS 66211
adam.seitz@eriseip.com

*Counsel for Patent Owner FaceToFace
Biometrics, Inc.*

Counsel for Petitioner Apple Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above-captioned “JOINT REQUEST THAT SETTLEMENT AGREEMENT BE TREATED AS BUSINESS CONFIDENTIAL INFORMATION AND BE KEPT SEPARATE” was served in its entirety on June 3, 2024, by filing this document through the Patent Trial and Appeal Case Tracking System as well as delivering a copy via electronic mail upon the following attorneys of record for the Patent Owner:

Anthony G. Simon, (asimon@simonlawpc.com)
The Simon Law Firm, P.C.
800 Market Street, Suite 1700
St. Louis, MO 63101

Anthony R. Friedman (afriedman@simonlawpc.com)
The Simon Law Firm, P.C.
800 Market Street, Suite 1700
St. Louis, MO 63101

By: /s/ Adam P. Seitz
Adam P. Seitz, Reg. No. 52,206

COUNSEL FOR PETITIONER