

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZYXEL COMMUNICATIONS CORPORATION AND
ZYXEL NETWORKS CORPORATION,
Petitioners

v.

ATLAS GLOBAL TECHNOLOGIES LLC,
Patent Owner

Case No. IPR2023-00863

Patent No. 9,531,520

**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**

EXHIBIT LIST

Exhibit	Description
2001	Affidavit in Support of Motion for <i>Pro Hac Vice</i> Admission of Eric J. Enger
2002	Affidavit in Support of Motion for <i>Pro Hac Vice</i> Admission of Alden G. Harris
2003	Dr. Konstantinos Psounis Curriculum Vitae
2004	Declaration of Dr. Konstantinos Psounis in Support of Patent Owner's Preliminary Response to Petition for <i>Inter Partes</i> Review of U.S. Patent No. 9,531,520
2005	S.Azizi <i>et al.</i> , "IEEE 802.11-15/0330r1 - OFDMA Numerology and Structure", dated March 9, 2015, available at https://mentor.ieee.org/802.11/dcn/15/11-15-0330-01-00ax-ofdma-numerology-and-structure.pptx (accessed on August 9, 2023)
2006	Evgeny Khorov <i>et al.</i> , A Tutorial on IEEE 802.11ax High Efficiency WLANs, IEEE Communications Surveys & Tutorials, Vol. 21, No. 1, First Quarter 2019
2007	Proof of Service, <i>Atlas Global Technologies LLC v. Zyxel Networks Corp., Zyxel Communications Corp.</i> , Dkt. No. 19, Case No. 6:22-cv-00355-ADA (W.D. Tex.)
2008	Defendants' Preliminary Invalidity Contentions, <i>Atlas Global Technologies LLC v. Zyxel Networks Corp., Zyxel Communications Corp.</i> , October 20, 2022, Case No. 6:22-cv-00355-ADA (W.D. Tex.)
2009	Richard Lloyd, Interview with Judge Alan D. Albright, "The last thing anyone should think about WDTX is that it is patent plaintiff friendly, says Albright," IAM, https://www.iam-media.com/law-policy/albright-the-last-thing-anyone-should-think-about-venue-it-plaintiff-friendly , accessed on September 17, 2020
2010	Ryan Davis, "Albright Says He'll Very Rarely Put Cases on Hold for PTAB", Law360, https://www.law360.com/articles/1381597/print?section-ip , accessed on July 25, 2022
2011	Scheduling Order, <i>Atlas Global Technologies LLC v. Zyxel Networks Corp., Zyxel Communications Corp.</i> , Dkt. No. 27, Case No. 6:22-cv-00355-ADA (W.D. Tex.)
2012	United States District Courts-National Judicial Caseload Profile, available at https://www.uscourts.gov/sites/default/files/data_tables/fcms_na_distprofile0331.2023.pdf

Exhibit	Description
2013	Defendants' Final Invalidity Contentions, <i>Atlas Global Technologies LLC v. Zyxel Networks Corp., Zyxel Communications Corp.</i> , June 15, 2023, Case No. 6:22-cv-00355-ADA (W.D. Tex.)
2014	Defendant Opening Claim Construction Brief, <i>Atlas Global Technologies LLC v. Zyxel Networks Corp., Zyxel Communications Corp.</i> , Dkt. No. 41, Case No. 6:22-cv-00355-ADA (W.D. Tex.)
2015	Atlas Responsive Claim Construction Brief, <i>Atlas Global Technologies LLC v. Zyxel Networks Corp., Zyxel Communications Corp.</i> , Dkt. No. 42, Case No. 6:22-cv-00355-ADA (W.D. Tex.)
2016	Defendant Reply Claim Construction Brief, <i>Atlas Global Technologies LLC v. Zyxel Networks Corp., Zyxel Communications Corp.</i> , Dkt. No. 45, Case No. 6:22-cv-00355-ADA (W.D. Tex.)
2017	Joint Claim Construction Statement, <i>Atlas Global Technologies LLC v. Zyxel Networks Corp., Zyxel Communications Corp.</i> , Dkt. No. 47, Case No. 6:22-cv-00355-ADA (W.D. Tex.)
2018	Atlas Surreply Claim Construction Brief, <i>Atlas Global Technologies LLC v. Zyxel Networks Corp., Zyxel Communications Corp.</i> , Dkt. No. 48, Case No. 6:22-cv-00355-ADA (W.D. Tex.)
2019	Claim Construction Memorandum and Order, <i>Atlas Global Technologies LLC v. Zyxel Networks Corp., Zyxel Communications Corp.</i> , Dkt. No. 53, Case No. 6:22-cv-00355-ADA (W.D. Tex.)
2020	Defendants' Final Invalidity Contentions, <i>Atlas Global Techs. LLC v. Sercomm Corp.</i> , January 26, 2023, Case No. 6:21-cv-818-ADA (W.D. Tex.)
2021	Order Granting Joint Motion to Amend Scheduling Order To Extend Deadlines, <i>Atlas Global Techs. LLC v. Sercomm Corp.</i> , Dkt. No. 112, Case No. 6:21-cv-818-ADA (W.D. Tex.)
2022	IEEE Std 802.11™-2020 Excerpts
2023	BUSINESS CONFIDENTIAL INFORMATION - Zyxel and Atlas Settlement and License Agreement

IPR2023-00863
U.S. Patent No. 9,531,520
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), Petitioners ZyXEL Communications Corporation and ZyXEL Networks Corporation (collectively, “ZyXEL” or “Petitioners”) and Patent Owner Atlas Global Technologies LLC (“AGT” or “P.O.”) jointly request that the Settlement Agreement entered as of October 12, 2023 between the parties filed concurrently herewith as Ex. 2023, as referenced in the Joint Motion to Terminate Proceeding, be treated as business confidential information and be kept separate from the file of U.S. Patent No. 9,531,520 (“the ’520 Patent”).

ZyXEL and AGT consider the release agreement (Ex. 2023) to contain highly sensitive business confidential information that would substantially harm their business interests if publicly disclosed. As such, ZyXEL and AGT 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.” ZyXEL and AGT 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.

IPR2023-00863
U.S. Patent No. 9,531,520
Joint Request That Settlement Agreement be Treated
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Date: October 16, 2023

Respectfully submitted,

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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 October 16, 2023, via electronic service on lead and back-up counsel:

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