

Filed: October 11, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TRUIST BANK,
Petitioner,

v.

UNITED SERVICES AUTOMOBILE ASSOCIATION,
Patent Owner.

IPR2023-01326
U.S. Patent 11,625,770

**JOINT REQUEST TO TREAT SETTLEMENT AGREEMENT AS
BUSINESS CONFIDENTIAL INFORMATION
PURSUANT TO 35 U.S.C. § 317(b)**

Petitioner Truist Bank (“Truist” or “Petitioner”) and Patent Owner United Services Automobile Association (“USAA” or “Patent Owner”) (collectively, the “Parties”) have entered into a settlement agreement that resolves all underlying disputes between the parties, including this *inter partes* review proceeding IPR2023-01326 against U.S. Patent No. 11,625,770 (“the ’770 patent”), currently before the Board.

In an email dated October 10, 2023, the Board authorized the Parties to file a joint motion to terminate and a joint request to treat the settlement agreement as business confidential information. In accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b), a true copy of the settlement agreement between the Parties is being submitted concurrently herewith in this proceeding as Ex. 1024.

If requested, the rules permit the parties to have any filed settlement agreement treated as business confidential information and be kept separate from the files of the involved patent. 37 C.F.R. § 42.74(c). Indeed, the statute requires it.

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.

35 U.S.C. § 317(b).

Accordingly, pursuant to 37 C.F.R. § 42.74(c) and 35 U.S.C. § 317(b), the Parties jointly request that the Office treat the settlement agreement filed concurrently herewith as Ex. 1024 as business confidential information, that the agreement be kept separate from the file of the involved patent, and that the agreement be made available only to Federal Government agencies on written request, or to other persons only on a showing of good cause.

Date: October 11, 2023

Respectfully Submitted,

/Anthony Q. Rowles/
Anthony Q. Rowles
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United Services Automobile Association

/Lionel M. Lavenue/
Lionel M. Lavenue
Counsel for Petitioner
Truist Bank

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **JOINT REQUEST TO TREAT SETTLEMENT AGREEMENT AS BUSINESS CONFIDENTIAL INFORMATION** was served on October 11, 2023, via email directed to counsel of record for the Patent Owner at the following:

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Dated: October 11, 2023

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