

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ECOBEE TECHNOLOGIES ULC,
Petitioner

v.

ROSEN TECHNOLOGIES LLC,
Patent Owner

Case IPR2023-01455
U.S. Patent No. RE40,437

**JOINT REQUEST PURSUANT TO 35 U.S.C. § 317(b) AND 37 C.F.R.
§ 42.74(c) TO TREAT SETTLEMENT AGREEMENT AS BUSINESS
CONFIDENTIAL INFORMATION AND TO KEEP SEPARATE**

Pursuant to 35 U.S.C. 317(b) and 37 C.F.R. § 42.74(c), and the Board's authorization email of February 14, 2024, ecobee Technologies ULC ("Petitioner") and Rosen Technologies LLC ("Patent Owner") (collectively, the "Parties") jointly request that the Board treat as business confidential and keep separate from the file of the involved patent, the true and complete copy of the Settlement Agreement (Confidential Exhibit 1018), which is referenced in the Parties' Joint Motion to Terminate filed concurrently herewith. *See* 35 U.S.C. 317(b) ("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."); *see also* 37 C.F.R. § 42.74(c) (same).

Respectfully submitted,

Dated: February 20, 2024

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.71(a), the undersigned certifies that on this date a complete and entire copy of this “JOINT REQUEST PURSUANT TO 35 U.S.C. § 317(B) AND 37 C.F.R. § 42.74(C) TO TREAT SETTLEMENT AGREEMENT AS BUSINESS CONFIDENTIAL INFORMATION AND TO KEEP SEPARATE” was served on all counsel of record by electronic mail, as follows:

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Dated: February 20, 2024

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