UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Sophos Ltd. and Sophos Inc.,
Petitioners

v.

Open Text Inc.,
Patent Owner.

Case No. IPR2024-00253

U.S. Patent No. 8,719,932

JOINT REQUEST TO TREAT AGREEMENTS AS BUSINESS CONFIDENTIAL INFORMATION

Pursuant to 35 U.S.C. § 317(a), 37 C.F.R. § 42.74, and the Board's email of March 25, 2024, Petitioners Sophos Ltd. and Sophos Inc. ("Sophos" or "Petitioners") and Patent Owner Open Text Inc. ("Open Text" or "Patent Owner") (collectively, the "Parties") have reached a resolution and jointly move to terminate the above-captioned proceeding. As permitted, by statute, Sophos and Open Text request that the Board treat as business confidential information, the true and correct copies of the Agreements (Confidential Exhibits 1020 and 1021) between the Parties, as referenced in the Parties' Joint Motion to Terminate Proceeding (pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74), filed concurrently herewith.

35 U.S.C. § 317(b) provides that:

> *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 files 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.*

Likewise, 37 C.F.R. § 42.74(c) provides that:

> *A party to a settlement may request that the settlement be treated as business confidential information and be kept separate from the files of an involved patent or application. The request must be filed with the*

> *settlement. If a timely request is filed, the settlement shall only be available:*
>
> > *(1) To a Government agency on written request to the Board; or*
> >
> > *(2) To any other person upon written request to the Board to make the settlement agreement available, along with the fee specified in § 42.15(d) and on a showing of good cause.*

The present request, which is being filed contemporaneously with the Agreements, is timely and in accordance with the foregoing authority. Therefore, the Parties request that the Agreements (Confidential Exhibits 1020 and 1021) (i) be treated as business confidential information, (ii) be maintained separate from the publicly available file of the involved patent, and (iii) be made available only to Federal Government agencies on written request, or to persons showing good cause on written request, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

Both parties also respectfully request that the Board inform them if anyone seeks production of the Agreements and afford the parties an opportunity to address whether such request is supported by good cause.

DATED: March 29, 2024

Respectfully Submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e)(4), the undersigned certifies that on March 29, 2024, a complete and entire copy of this Joint Request To Treat Agreements As Business Confidential Information were provided by email, to the Patent Owner by serving the email correspondence addresses of record as follows:

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