UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DATAVANT, INC.,
Petitioner,

v.

VIGILYTICS LLC,
Patent Owner.

Case IPR2024-00311
Patent 10,109,375 B1

JOINT REQUEST TO TREAT SETTLEMENT AGREEMENT

AS BUSINESS CONFIDENTIAL INFORMATION

Patent Owner and Petitioner in this case (collectively "the parties") have entered into a settlement agreement that resolves all underlying disputes between the parties involving U.S. Patent No. 10,109,375 B1 ("the '375 Patent"). The settlement agreement is the only agreement or understanding between the parties made in connection with, or in contemplation of, termination of this inter partes review.

In an email dated April 2, 2025, the Board authorized the parties to file (a) a joint motion to terminate and (b) 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. 2011. The parties consider Exhibit 2011 to contain highly sensitive confidential business information that would substantially harm their business interests if publicly disclosed. The parties certify that, to the best of their knowledge, the settlement agreement has not been made publicly available.

If requested, the rules permit the parties to have any filed settlement agreement treated as business confidential information and 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 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), the parties, by and through their respective counsel of record, jointly request that the Board treat the settlement agreement filed concurrently herewith as Exhibit 2011 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.

Respectfully submitted,

Dated 4/3/25

/Justin J. Oliver/

Justin Oliver (Reg. No. 44,986)
JOliver@Venable.com
VENABLE LLP
600 Massachusetts Avenue, NW
Washington, D.C. 20001
T: 202-721-5423
F: 202-344-8300

Nicholas Marcello (Reg. No. 77,182)
NDMarcello@venable.com
VENABLE LLP
151 W. 42nd Street, 49th Floor
New York, NY 10036
T: 212-218-2365
F: 212-218-2200

Counsel for Petitioner

Dated 04/04/2025

/Nicholas W. Stephens/

W. Karl Renner, Reg. No. 41,265
Jeffrey Barclay, Reg. No. 48,950
Nicholas Stephens, Reg. No. 74,320
Fish & Richardson P.C.
60 South Sixth Street, Suite 3200
Minneapolis, MN 55402
T: 202-783-5070
F: 877-769-7945

Counsel for Patent Owner

CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.6(e), the undersigned certifies that on April 4, 2025, a complete and entire copy of this Joint Request to Treat Settlement Agreement as Business Confidential Information was provided by email to Petitioner by serving the correspondence email address of record as follows:

Justin Oliver
Nicholas Marcello
Michael Sandonato
VENABLE LLP
151 W. 42nd Street, 49th Floor
New York, NY 10036

E-mail: Datavant-IPRs@Venable.com

/Diana Bradley/

Diana Bradley
Fish & Richardson P.C.
60 South Sixth Street, Suite 3200
Minneapolis, MN 55402
bradley@fr.com