

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

ALTENERGY POWER SYSTEM USA INC.
Petitioner

v.

CYBOENERGY, INC.
Patent Owner

Case IPR2024-00362

U.S. Patent No. 8,786,133

**JOINT REQUEST THAT SETTLEMENT AGREEMENT BE TREATED AS
BUSINESS CONFIDENTIAL PURSUANT TO 35 U.S.C. § 317(b) AND 37
C.F.R. § 42.74 (c)**

Patent Trial and Appeal Board
Filed Electronically

Pursuant to 35 U.S.C § 317(b) and 37 C.F.R. § 42.74(c), Petitioner
Altenergy Power System USA Inc. (“Petitioner”) and Patent Owner Cyboenergy,
Inc. (“Patent Owner”) jointly request to file the Settlement Agreement
(Ex. 1012) between the parties as business confidential information which shall be
kept separate from the file of the patent at issue, and only made available to
Federal Government agencies upon written request.

The requested relief is appropriate because the terms fo the Settlement Agreement are confidential business information and require Patent Owner and Petitioner to treat the Settlement Agreement as confidential information and limit their respective abilities to share the Settlement Agreement with or disclose its content to third parties. Patent owner and Petitioner have filed a copy of the Settlement Agreement (Ex. 1012) with the Board as required by the Board's March 25, 2024 email, 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74. The confidential Settlement Agreement was filed in the P-TACTS system to provide availability only to the Board and Parties.

Respectfully Submitted,

/Michael J. Curley/

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Attorney for Petitioner

/William P. Ramey/ with consent

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Attorney for Patent Owner

CERTIFICATE OF SERVICE

I hereby certify on April 17, 2024, that a true and correct copy of the foregoing 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.R.R. § § 42.74 was served in its entirety via e-mail and UPS to the Patent Owner by serving the correspondence address of record for the '133 Patent:

DLA PIPER LLP US - Reston
Attn: Patent Group
11911 Freedom Drive, Suite 300
Reston, VA 20190

Additionally, a true and correct copy of this Joint Request was served in its entirety via e-mail to Patent Owner's litigation counsel:

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Respectfully Submitted,

/Michael J. Curley/

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