UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DYSON TECHNOLOGY LIMITED AND DYSON, INC.,
Petitioners,

v.

OMACHRON INTELLECTUAL PROPERTY INC.,
Patent Owner.

Case No. IPR2024-00938

U.S. PATENT NO. 11,389,038

JOINT REQUEST TO TREAT SETTLEMENT AGREEMENT AS BUSINESS CONFIDENTIAL INFORMATION

Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.74, and the Board's email of January 31, 2025, Petitioners Dyson Technology Limited and Dyson, Inc. ("Petitioners"), and Patent Owner Omachron Intellectual Property Inc. ("Patent Owner") have reached a settlement and jointly move to terminate the above-captioned proceeding. As permitted by statute, Petitioners and Patent Owner request that the Board treat as business confidential information, the true and complete copy of the Settlement Agreement (Confidential Exhibit 1031) between the parties, as referenced in the parties' Joint Motion to Terminate 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 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.*

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 Settlement Agreement, is timely and in accordance with the foregoing authority. Therefore, the parties request that the Settlement Agreement (Confidential Exhibit 1031) (i) be treated as business confidential information, (ii) be maintained separate from the publicly available file of the involved patent, and (iii) shall 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).

Further, Petitioners and Patent Owner each request that they be notified if and when the Board receives and/or considers a request for access to the settlement agreement and be offered an opportunity to respond to any such request. *See Arista Networks, Inc. v. Castlemorton Wireless, LLC*, IPR2020-00986 Pap. 7, 4 (PTAB Oct. 28, 2020).

Date: February 3, 2025

/s/ Christian Huehns

Christian Huehns (Reg. No. 77,717)
KIRKLAND & ELLIS LLP
333 West Wolf Point Plaza
Chicago, IL 60654
Telephone: (312) 862-2000
Facsimile: (312) 862-2200
christian.huehns@kirkland.com
DysonIPR@kirkkland.com

Matthew Benjamin Hershkowitz
(Reg. No. 77,881)
KIRKLAND & ELLIS LLP
601 Lexington Ave
New York, NY 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900
matt.hershkowitz@kirkland.com

Attorneys for Petitioners

Date: February 3, 2025

/s/ Brian M. Buroker

Brian M. Buroker (Reg. No. 39,125)
Shuo Josh Zhang (Reg. No. 71,774)
GIBSON, DUNN & CRUTCHER LLP
1700 M Street N.W.
Washington, DC 20036
Phone: (202) 955-8500
Fax: (202) 467-0539
bburoker@gibsondunn.com
szhang@gibsondunn.com

Brian A. Rosenthal (pro hac vice)
Vivian Lu (Reg. No 74,443)
Ahmed ElDessouki (pro hac vice)
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue
New York, NY 10166
brosenthal@gibsondunn.com
vlu@gibsondunn.com
aeldessouki@gibsondunn.com

Nathan R. Curtis (Reg. No. 70,471)
GIBSON, DUNN & CRUTCHER LLP
2001 Ross Avenue
Dallas, TX 75201
ncurtis@gibsondunn.com

Attorneys for Patent Owner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a complete copy of the foregoing document was served on February 3, 2025 on counsel of record via email to the following addresses:

GDC-SharkNinjaIPRD@gibsondunn.com

DysonIPR@kirkland.com

/s/ Christian Huehns
Christian Huehns (Reg. No. 77,717)