UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS, INC. AND LG ELECTRONICS USA, INC.,
Petitioners,

v.

MAXELL, LTD,
Patent Owner.

Case No. IPR2025-00393
Patent No. 9,818,449

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 July 1, 2025, Petitioners LG Electronics Inc. and LG Electronics U.S.A., Inc. ("LG" or "Petitioners") and Patent Owner Maxell, Ltd. ("Maxell" or "Patent Owner") (collectively, the "Settling Parties") have reached a settlement and jointly move to terminate the above-captioned proceeding. As permitted by statute, LG and Maxell request that the Board treat as business confidential information, the true and complete copy of the Settlement Agreement (Confidential Exhibit 1041) 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 contemparaneously with the Settlement Agreement, is timely and in accordance with the foregoing authority. Therefore, the parties request that the Settlement Agreement (Confidential Exhibit 1041) (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).

Respectfully submitted,

Date: July 1, 2025

/Jennifer J. Huang/
Timothy Riffe, Reg. No. 43,881
Jennifer Huang, Reg. No. 64,297
R. Andrew Schwentker, Reg. No. 59,402
Jack R. Wilson, Reg. No. 75,011
Fish & Richardson P.C.
60 South Sixth Street, Suite 3200
Minneapolis, MN 55402

Attorneys for Petitioners

Respectfully submitted,

Date: July 1, 2025

/s/ *Robert G. Pluta*
Robert G. Pluta, Reg. No. 50,970
Nicholas H. Ciulla, Reg. No. 78,409
Mayer Brown LLP
71 S. Wacker Drive
Chicago, IL 60606

Attorneys for Patent Owner

CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.6(e)(4), the undersigned certifies that on July 1, 2025, a complete and entire copy of this Joint Request to Treat Settlement Agreement as Business Confidential Information was provided by email, to the Patent Owner by serving the correspondence addresses of record as follows:

Robert G. Pluta
Nicholas H. Ciulla
Mayer Brown LLP
71 S. Wacker Drive
Chicago, IL 60606

Email:
rpluta@mayerbrown.com
nciulla@mayerbrown.com

/Hoi Cheung/
Hoi Cheung
Fish & Richardson P.C.
60 South Sixth Street, Suite 3200
Minneapolis, MN 55402
hcheung@fr.com