

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ELEMENT TV COMPANY, LP, AND
ELEMENT TELEVISION COMPANY, LLC,

Petitioners,

v.

NOKIA TECHNOLOGIES OY,

Patent Owner.

IPR2025-01109
U.S. Patent No. 7,532,808

**JOINT REQUEST TO TREAT SETTLEMENT AND PATENT LICENSE
AGREEMENT AS BUSINESS CONFIDENTIAL INFORMATION**

Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.74, and the verbal instructions from the Board paralegal on Wednesday, August 20, 2025, Petitioners Element TV Company, LP, and Element Television Company, LLC (“Element” or “Petitioner”) and Patent Owners Nokia Corporation, and Nokia Technologies Oy (“Nokia” or “Patent Owners”) (collectively, the “Settling Parties”) have reached a settlement and jointly move to terminate the above-captioned proceeding. A true copy of the Settlement and Patent License Agreement is being filed concurrently herewith. *See* Exhibit 1019.

As permitted by statute, Element and Nokia request that the Board treat as business confidential information, the true and complete copy of the Settlement and Patent License Agreement (Confidential Exhibit 1019) 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. This agreement contains confidential commercial and financial information of the Settling Parties.

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 and Patent License Agreement, is timely and in accordance with the foregoing authority. Therefore, the Settling Parties request that the Settlement and Patent License Agreement (Confidential Exhibit 1019) (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). Moreover, the terms require the Settling Parties to treat the Settlement Agreement as confidential information and limit the parties' ability to share the Settlement Agreement, or to disclose its contents with third parties. *See* Exhibit 1019 at ¶5.

Both parties also respectfully request that the Board inform us if anyone seeks

production of the agreement and afford the parties an opportunity to address whether such request is supported by good cause.

Dated: August 25, 2025

Respectfully submitted,

/ Jessica Kaiser /

Jessica Kaiser
Reg. No. 58,937
Kaiser-ptab@perkinscoie.com
Perkins Coie LLP
1900 Sixteenth Street, Ste. 1400
Denver, CO 80202-5255
Telephone: 303.291.2300
Facsimile: 303.291.2400

Jon R. Carter
Reg. No. 75,145
carter-ptab@perkinscoie.com
PERKINS COIE LLP
1155 Avenue of the Americas
22nd Floor
New York, NY 10036-2711
Telephone: (212) 262-6900
Facsimile: (212) 977-1649

Atanas Baitchev
Reg. No. 82,414
baitchev_ptab@perkinscoie.com
PERKINS COIE LLP
11452 El Camino Real
Suite 300
San Diego, CA 92130-2080
Tel: (858) 720-5700

Attorneys for Petitioners

/ Scott W. Hejny /

Scott W. Hejny
Reg. No. 45,882
shejny@McKoolSmith.com
Eric S. Hansen
Reg. No. 63,095
ehansen@mckoolsmith.com
MCKOOL SMITH P.C.
300 Crescent Court, Suite 1200
Dallas, TX 75201
Telephone: 214.978.4000
Facsimile: 214.978.4044

R. Mitch Verboncoeur
(*pro hac vice* to be filed)
mverboncoeur@mckoolsmith.com
MCKOOL SMITH, P.C.
303 Colorado Street, Suite 2100
Austin, TX 78701
Telephone: 512.692.8757
Facsimile: 512.692.8744

Attorneys for Patent Owner

CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.6(e)(4), the undersigned certifies that on August 25, 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:

shejny@McKoolSmith.com
ehansen@mckoolsmith.com
mverboncoeur@mckoolsmith.com
Nokia-Element-IPR@mckoolsmith.com

Respectfully submitted,

/ Jessica Kaiser /

Jessica Kaiser
Reg. No. 58,937
Attorney for Petitioner

PERKINS COIE LLP
1900 Sixteenth Street, Suite 1400
Denver, CO 80202-5255

Date: August 25, 2025