UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SENKO ADVANCED COMPONENTS, INC.
Petitioner

v.

US CONEC LTD.
Patent Owner

Case: PGR2024-00032
Patent No. 11,733,466

JOINT REQUEST TO FILE SETTLEMENT AGREEMENT AS BUSINESS CONFIDENTIAL INFORMATION PURSUANT TO 35 U.S.C. § 327(b)

Pursuant to 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c), Petitioner Senko Advanced Components, Inc. ("Petitioner") and Patent Owner US Conec ("Patent Owner") (collectively, the "Parties") hereby jointly request that a true copy of their settlement agreement, filed concurrently herewith as Exhibit 1030 be treated as business confidential information and be kept separate from the file of this post grant review (PGR) proceeding. Concurrently with the filing of this Request, Petitioner and Patent Owner are filing a Joint Motion to Withdraw the Petition for PGR due to the settlement between the parties.

The rules expressly contemplate that agreements will be maintained as business confidential information, upon request. *See, e.g.*, 37 C.F.R. § 42.74(c), which 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 Parties consider the settlement to contain highly sensitive business confidential information that would substantially harm their business interests if publicly disclosed. As such, the Parties hereby jointly request that the settlement be kept as a separate paper to be made available only under the provisions of 35 U.S.C § 327(b) and 37 C.F.R. § 42.74(c). The settlement agreement has been filed for

access by the "Parties and Board Only." The parties further jointly request that the Board order that in the event a person or entity makes a written request, as stated in 37 C.F.R. § 42.74(c)(1)-(2), for access to the settlement agreement, that any such written request be served upon the parties on the day the written request is provided to the Board.

This joint request is being filed by the Petitioner, with the consent of the Patent Owner.

Dated: August 27, 2024

Respectfully submitted,
/Kurt F. James/
Kurt F. James, Reg. No. 33,716
Counsel for Petitioner

CERTIFICATE OF SERVICE

Under 37 C.F.R. § 42.6(e), the undersigned certifies that on August 27, 2024, a copy of the foregoing JOINT REQUEST TO FILE SETTLEMENT AGREEMENT AS BUSINESS CONFIDENTIAL INFORMATION PURSUANT TO 35 U.S.C. § 327(b), along Exhibit 1030, were served via email on the following:

Jason D. Eisenberg (Reg. No. 43,447)
John D. Higgins (Reg. No. 74,992)
Sterne, Kessler, Goldstein & Fox P.L.L.C.
1101 K Street NW
Washington, DC 20005
T: 202-371-2600
F: 202-371-2540
jasone-PTAB@sternekessler.com
jhiggins-PTAB@sternekessler.com
PTAB@sternekessler.com

By: /*Kurt F. James*/
Lead Counsel for Patent Owner
Kurt F. James
Reg. No. 33,716