

**UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT TRIAL AND APPEAL BOARD**

Camel Manufacturing Company, LLC

Petitioner,

v.

DLX Enterprises, LLC,

Patent Owner.

Case No. PGR2024-00033

U.S. Patent No. 11,732,496

**JOINT REQUEST TO TREAT SETTLEMENT AGREEMENT AS
CONFIDENTIAL BUSINESS INFORMATION**

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I. STATEMENT OF RELIEF REQUESTED.

Pursuant to 35 U.S.C. Section 327(b), Petitioner, Camel Manufacturing Company, LLC (“Petitioner”) and DLX Enterprises, LLC (“Patent Owner”) jointly move and request that the Board treat the Settlement Agreement entered into by the parties as confidential business information. The parties also request that the Board keep the Settlement Agreement separate from the files of the involved patent, pursuant to 37 C.F.R. Section 42.74(c).

I. STATEMENT OF FACTS.

Petitioner filed this PGR petition on May 22, 2024 (Paper No. 1). Patent Owner did not submit a Preliminary Response. The Board has not yet ruled on the merits of the Petition.

On October 1, 2024, Petitioner and Patent Owner entered into a Settlement Agreement. *See* Ex. 1025 (Confidential). The Settlement Agreement resolves all currently pending Patent Office proceedings between the parties involving the subject patent.

The Settlement Agreement constitutes “confidential information” as that term is defined in 37 C.F.R. Section 42.2, as the document contains confidential commercial information. The parties agreed in the document itself that the agreement and its contents shall remain confidential. *See* Ex. 2025 at § 4.11.

III. RELATED LITIGATION.

There is no litigation pending between the parties on any issues.

IV. ARGUMENT.

The Patent Act states in pertinent part:

(b) Agreements in Writing.—

Any agreement or understanding between the patent owner and a petitioner, including any collateral agreements referred to in such agreement or understanding, made in connection with, or in contemplation of, the termination of a post-grant review under this section shall be in writing, and a true copy of such agreement or understanding shall be filed in the Office before the termination of the post-grant review as between the parties. 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.

35 U.S.C. § 327(b).

Additionally, the Patent Office rules state in pertinent part 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.” 37 CFR § 42.74(c).

Pursuant to 37 C.F.R. § 42.74(c), the parties are filing herewith as Exhibit 1025 a true copy of the complete Settlement Agreement entered between the parties on October 1, 2024. The Settlement Agreement has been filed for access by the "Parties and Board Only" due to the highly-sensitive business confidential information it contains. The parties desire that the Settlement Agreement be maintained as business confidential information under 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c), and a separate joint request for such is being filed concurrently.

V. CONCLUSION.

Petitioner and Patent Owner respectfully request that the Board grant the parties' Joint Motion to Terminate this proceeding in its entirety and grant the request to treat the Settlement Agreement between the parties as business confidential information.

Dated: October 3, 2024

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on October 3, 2024, a true and correct copy of the foregoing "JOINT REQUEST TO TREAT SETTLEMENT AGREEMENT AS CONFIDENTIAL BUSINESS INFORMATION" was served via email on the following attorneys of record:

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