

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD., and
SAMSUNG ELECTRONICS AMERICA, INC.,

Petitioners

v.

HERMES IP MANAGEMENT LLC,

Patent Owner

Case IPR2025-00872

U.S. Patent No. 8,855,720

**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 August 5, 2025, Petitioners Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (“Petitioners”) and Patent Owner Hermes IP Management LLC (“Patent Owner”) have reached a settlement and jointly move to terminate the above-captioned proceeding. As permitted by statute, Petitioners and Patent Owners request that the Board treat as business confidential information, the true and complete copy of the Settlement Agreement and Exhibits A-G thereto (Confidential Exhibit 1017) 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 and Exhibits A-G thereto (Confidential Exhibit 1017) (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, Samsung 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).

Respectfully submitted,

Date: August 5, 2025

/Ali R. Sharifahmadian/
Ali R. Sharifahmadian (Reg. No. 48,202)
Counsel for Petitioners

Respectfully submitted,

Date: August 5, 2025

/Neal Massand/
Neal Massand (Reg. No. 54,296)
Counsel for Patent Owner

CERTIFICATE OF SERVICE

I certify that on August 5, 2025, I caused a true and correct copy of the foregoing Joint Request to Treat Settlement Agreement As Business Confidential Information to be served on the Patent Owner via electronic mail to Patent Owner's counsel of record below and pending substitute counsel:

Neal Massand: nmassand@nilawfirm.com
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/Douglas Smith/

Douglas Smith
Senior Paralegal II