

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG SDI CO., LTD., ASUS COMPUTER INTERNATIONAL,
ASUSTEK COMPUTER INC., HP INC., and DELL INC.,
Petitioners,

v.

RYUJIN PATENT & LICENSING LTD.,
Patent Owner.

Case IPR2016-00128
Patent 6,027,835

Before LORA M. GREEN, GRACE KARAFFA OBERMANN, and
ELIZABETH M. ROESEL, *Administrative Patent Judges*.

ROESEL, *Administrative Patent Judge*.

DECISION

Granting Joint Motion to Terminate
35 U.S.C. § 317(a) and 37 C.F.R. §§ 42.72, 42.74

On July 15, 2016, and pursuant to 35 U.S.C. § 317(a), Samsung SDI Co., Ltd., Asus Computer International, AsusTek Computer Inc., HP Inc., and Dell Inc. (“Petitioners”) and RYUJIN Patent & Licensing Ltd. (“Patent Owner”) (collectively, “Parties”) filed a joint motion to terminate this proceeding. Paper 15. Along with the joint motion, the Parties filed confidential settlement agreements between Patent Owner and its real party-in-interest, KW-2 LLC, on the one hand, and one or more of Petitioners, on the other hand. Ex. 1026 (Samsung SDI Co., Ltd.); Ex. 1027 (ASUS Computer International and ASUSTek Computer Inc.); Ex. 1028 (HP Inc., formerly known as Hewlett-Packard Company); Ex. 1029 (Dell Inc.). (Exs. 1026 to 1029 hereinafter collectively the “Settlement Agreements.”) The Parties also filed a stipulation and order dismissing the related consolidated district court litigations¹ (Exs. 1022, 1023) and a stipulation and order dismissing an appeal from the related the related district court litigations² (Exs. 1024, 1025). The Parties note that a joint motion to terminate has been filed in IPR2016-00946, which involves the same patent.

The Parties represent that, pursuant to the Settlement Agreements, Petitioners and Patent Owner have resolved their disputes regarding U.S. Patent No. 6,027,835, including the *inter partes* review proceeding and the related district court litigations and appeal. Pursuant to 35 U.S.C. § 317(b), the Parties represent that the Settlement Agreements (Exs. 1026 to 1029) are true and complete copies of all agreements and understandings

¹ *KW-2, LLC v. ASUS Computer International, et al.*, Case No. 1:15-cv-01023 (D. Colo.); *KW-2, LLC v. Hewlett-Packard Co.*, Case No. 1:15-cv-01024 (D. Colo.); and *KW-2, LLC v. Dell Inc.*, Case No. 1:15-cv-01025 (D. Colo.).

² *KW-2, LLC v. ASUS Computer International, et al.*, Appeal Nos. 2016-1840, 2016-1843, 2016-1844 (Fed. Cir.).

between the Parties, including any collateral agreements or understandings, made in connection with, or in contemplation of, termination of the *inter partes* review proceeding.

This proceeding is at an early stage as *inter partes* review was instituted on May 5, 2016, and the Board has not yet decided the merits of the proceeding. In view of the early stage of this proceeding, the settlement and dismissal of the related district court litigations and appeal, the concurrent termination of IPR2016-00946, and the Parties' representations set forth above, we determine that it is appropriate to terminate this proceeding. See 37 C.F.R. § 42.72. Therefore, the joint motion to terminate this proceeding is granted. This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

The Parties jointly request that the Settlement Agreements (Exs. 1026 to 1029) be treated as business confidential information and be kept separate from the patent files pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). We grant the Parties' request.

ORDER

Accordingly, it is:

ORDERED that the Parties' joint request that the Settlement Agreements be treated as business confidential information and kept separate from the patent files, is *granted*; and

FURTHER ORDERED that the joint motion to terminate IPR2016-00128 is *granted*, and the proceeding is terminated.

IPR2016-00128
Patent 6,027,835

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