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Paper 8
Date: June 30, 2020

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ERICSSON INC.,
Petitioner,

v.

CELLULAR EVOLUTION LLC,
Patent Owner.

IPR2020-00841 (Patent 7,505,783 B2)
IPR2020-00842 (Patent 8,285,325 B2)
IPR2020-00843 (Patent 7,110,788 B2)
IPR2020-00844 (Patent 6,741,868 B1)

Before JUSTIN T. ARBES, JESSICA C. KAISER, and SHARON FENICK, *Administrative Patent Judges*.

ARBES, *Administrative Patent Judge*.

DECISION
Settlement Prior to Institution of Trial
37 C.F.R. § 42.74

On June 24, 2020, the parties filed a Joint Motion to Terminate in each of the instant proceedings on the basis of a settlement reached by the parties. *See* Paper 6 ("Mot.");[1] 35 U.S.C. § 317(a); 37 C.F.R. §§ 42.72, 42.74. The parties also filed a copy of their written settlement agreement (Exhibit 2001) as "Parties and Board Only" in the Patent Trial and Appeal Board End to End (PTAB E2E) system and requested in the Motions that the agreement be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Mot. 1.

Because the parties had not obtained Board authorization before filing the Motions as required by 37 C.F.R. § 42.20(b), we informed the parties by email that the Motions would be considered once the parties file a Joint Notice (1) stating the status of any other proceedings (e.g., district court cases) involving the challenged patents, and (2) certifying that, other than the settlement agreement filed as Exhibit 2001, there is no other "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 the proceedings under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b). The parties subsequently filed a Joint Notice (Paper 7, "Notice"), and Patent Owner filed a copy of a collateral agreement (Exhibit 2002) between Patent Owner and a

[1] The parties filed similar documents in each of the instant proceedings. *See* IPR2020-00841, Papers 6, 7, Exs. 2001, 2002; IPR2020-00842, Papers 6, 7, Exs. 2001, 2002; IPR2020-00843, Papers 8, 9, Exs. 2001, 2002; IPR2020-00844, Papers 6, 7, Exs. 2001, 2002. We refer to those filed in Case IPR2020-00841 for convenience.

third party as "Board Only" in the PTAB E2E system. Patent Owner requests in the Joint Notice that the collateral agreement also be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Notice 2. Petitioner indicated to the Board by email that it does not oppose Patent Owner's request.

The instant proceedings are still in the preliminary stage, as we have not yet entered decisions whether or not to institute *inter partes* review. The parties represent that two district court cases involving the challenged patents have been dismissed with prejudice and "[t]here are no other court proceedings" involving the challenged patents. *Id.* The parties also certify that, other than the settlement agreement and collateral agreement, "there is no other agreement or understanding between Patent Owner and Petitioner, including any collateral agreements referred to in such agreement or understanding, made in connection with, or in contemplation of, the termination of the present *inter partes* review proceeding[s]." *Id.* Under these circumstances, we determine that it is appropriate to terminate the instant proceedings without rendering any further decisions. *See* 37 C.F.R. § 42.72.

In consideration of the foregoing, it is hereby:

ORDERED that the parties' request that the settlement agreement (Exhibit 2001) and Patent Owner's request that the collateral agreement (Exhibit 2002) be treated as business confidential information, kept separate from the files of U.S. Patent Nos. 7,505,783 B2, 8,285,325 B2, 7,110,788 B2, and 6,741,868 B1, and made available only to Federal

Government agencies on written request, or to any person on a showing of good cause, under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), are *granted*; and

FURTHER ORDERED that the Joint Motion to Terminate in each of the instant proceedings is *granted* and the proceedings are *terminated*.

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