

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TCL CORP., TCL ELECTRONICS HOLDINGS LTD., TTE
TECHNOLOGY, INC. (D/B/A TCL NORTH AMERICA), and
HISENSE CO., LTD.,
Petitioner,

v.

POLARIS POWERLED TECHNOLOGIES, LLC,
Patent Owner.

IPR2020-00961
Patent 7,239,087 B2

Before KALYAN K. DESHPANDE, JOHN F. HORVATH, and
KARA L. SZPONDOWSKI, *Administrative Patent Judges*.

SZPONDOWSKI, *Administrative Patent Judge*.

ORDER

Granting Joint Motion to Terminate
Granting Joint Request to Treat Settlement Information as Business
Confidential Information and Keep Separate
35 U.S.C. § 317, 37 C.F.R. §§ 42.72, 42.74

I. INTRODUCTION

With the Board's authorization, Petitioner TCL Corp., TCL
Electronics Holdings Ltd., TTE Technology, Inc. (d/b/a TCL North

America), and Hisense Co., Ltd. and Patent Owner Polaris PowerLED Technologies, LLC (collectively “the Parties”) filed a Joint Motion to Terminate Pursuant to 35 U.S.C. § 317 in the above proceeding. Paper 23 (“Joint Motion”). The Parties also filed corresponding Confidential Settlement Agreements, Ex. 2011 (“Settlement Agreements”), as well as a corresponding Joint Request to Treat Settlement Information as Business Confidential Information and Keep Separate pursuant to 37 C.F.R. § 42.74(c). Paper 24 (“Joint Request”).

II. DISCUSSION

In the Joint Motion, the Parties represent that they have “fully resolved their disputes regarding the patent . . . [and] do not anticipate any further litigation or proceeding between the Parties involving the patent.” Joint Motion 2. In addition, the Parties state that termination is proper because (1) the Board has not yet decided the merits in this proceeding; (2) the Parties are jointly requesting termination; and (3) the Parties are unaware of any other pending relating proceedings that would be affected by the requested termination of this proceeding. *Id.* at 2–3. The Parties also represent that the Settlement Agreements are “[t]he agreements resolving the disputes” and “all related agreements are contemporaneously filed with” the Joint Motion. *Id.* at 1, 3.

Under 35 U.S.C. § 317(a), “[a]n inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” Because we have not yet decided the merits of the proceeding, and based

upon the Parties' representations, we determine that good cause exists to terminate the proceeding.

In the Joint Request, the Parties request that the Settlement Agreements be treated as business confidential information and be kept separate from the files of the patent involved in these *inter partes* proceedings. Joint Request 1. After reviewing the Settlement Agreements, we find that the Settlement Agreements contain confidential business information regarding the terms of settlement. We determine that good cause exists to treat the Settlement Agreements as business confidential information pursuant to 37 C.F.R. § 42.74(c).

This Order does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

III. ORDER

In consideration of the foregoing, it is hereby

ORDERED that the Joint Motion to Terminate the proceeding is *granted*, and the above-identified proceeding is *terminated*; and

FURTHER ORDERED that the Joint Request to Treat Settlement Information as Business Confidential Information and Keep Separate is *granted*, and the Settlement Agreements (Ex. 2011) shall be kept separate from the file of the '087 patent and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 37 C.F.R. § 42.74(c).

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