

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BLACKBERRY LIMITED,
Petitioner,

v.

MOBILEIRON, INC.,
Patent Owner.

IPR2020-01593
IPR2020-01594
Patent 8,869,307 B2

Before JENNIFER MEYER CHAGNON, JOHN D. HAMANN, and
JASON M. REPKO, *Administrative Patent Judges*.

REPKO, *Administrative Patent Judge*.

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

I. INTRODUCTION

With the Board’s authorization, the parties filed Joint Motions to terminate these proceedings. Paper 15 (“Mot.”).¹ Along with the Joint Motions, the parties filed a copy of a “Confidential Settlement Agreement” they describe as “a true copy of settlement agreement entered between the Parties” (Ex. 1025 (“Settlement Agreement”)²). Mot. 1. The parties also filed Joint Requests to treat the Settlement Agreement as business confidential information, and to maintain said agreement separate from the public file under 37 C.F.R. § 42.74(c). Paper 16.

II. DISCUSSION

In the Joint Motions, the parties represent that the Settlement Agreement “is the only agreement or understanding between Petitioner and Patent Owner made in connection with, or in contemplation of terminating this proceeding.” Mot. 2. The parties also represent the “settlement agreement was entered into in contemplation of terminating this proceeding.” *Id.* at 1–2.

These proceedings are still in the preliminary stage. We have not entered decisions on whether to institute *inter partes* review in the proceedings. In view of the early stage of the proceedings and the

¹ Similar papers were filed in both IPR2020-01593 and -01594. Those papers were assigned the same number in each proceeding.

² The Settlement Agreement is between Blackberry Limited and Ivanti, Inc. As noted in Patent Owner’s updated Mandatory Notices, filed on January 5, 2021, the “patent owner and real party-in-interest is MobileIron, Inc. Ivanti, Inc. publicly announced that it has acquired Patent Owner.” Paper 11, 1.

settlement between the parties, we determine that good cause exists to terminate these proceedings with respect to the parties.

We also have reviewed the Settlement Agreement, and we determine that the Settlement Agreement contains business confidential information regarding the terms of the settlement, and that good cause exists to treat the Settlement Agreement as business confidential information under 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 parties' Joint Requests (Paper 16) to treat the Settlement Agreement (Exhibit 1025) as business confidential information under 37 C.F.R. § 42.74(c) are *granted*, and the Settlement Agreement shall be kept separate from the files of Patent 8,869,307 B2, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c); and

FURTHER ORDERED that the parties' Joint Motions to Terminate (Paper 15) are *granted*, the Petitions in IPR2020-01594 and -01595 are dismissed, and the proceedings are *terminated*.

IPR2020-01593
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