

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

Petitioner,

v.

POLARIS POWERLED TECHS., LLC,

Patent Owner.

Case No. IPR2021-00566

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 Samsung Electronics America, Inc. and Samsung Electronics, Co., Ltd. and Patent Owner PowerLED Technologies, LLC (collectively "the Parties") filed a Joint Motion to Terminate Proceeding. Paper 17 ("Joint Motion"). The Parties also filed a corresponding Confidential Standstill Agreement Relating to Settlement Discussions, Ex. 2021 ("Agreement"), as well as a corresponding Joint Request to Treat Agreement as Business Confidential Information and Keep Separate Under 37 C.F.R. § 42.74(c). Paper 18 ("Joint Request").

II. DISCUSSION

In the Joint Motion, the Parties represent that they "have resolved their disputes and now jointly move to terminate the proceeding." Joint Motion 1. The Parties state that termination is proper because (1) the Board has not yet reached a decision on the merits; (2) public policy favors allowing the parties to agree to settle issues in a proceeding; (3) the Parties are jointly requesting termination; (4) there are no pending district court litigations involving U.S. Patent No. 7,239,087 B2 ("087 patent"); and (5) the Parties are unaware of any pending related proceedings before the Board or the USPTO that would be affected by termination of the proceeding. *Id.* at 1–2. The Parties represent that the Agreement is "a true and correct copy" of the agreement made between the parties and that "all related agreements are contemporaneously filed with this Motion." *Id.* at 2.

This proceeding is still in its preliminary stages. *See* 37 C.F.R. § 42.2. We have not entered a decision on whether to institute *inter partes* review. In view of the early stages of the proceeding, the representations of the

Parties, and the Agreement between the Parties, we determine that good cause exists to terminate this proceeding.

In the Joint Request, the Parties request that the Agreement be treated as business confidential information and be kept separate from the files of the '087 patent and only made available to (i) Federal Government agencies upon written request, or (ii) to any other person upon written request and a finding of good cause after notice to the parties to the agreement and an opportunity for those parties to respond to the request. Joint Request 1. After reviewing the Agreement, we find that the Agreement contains confidential business information. We determine that good cause exists to treat the Agreement 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).

In consideration of the foregoing, it is hereby:

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

FURTHER ORDERED that the Joint Request to Treat Agreement as Business Confidential Information and Keep Separate Under 37 C.F.R. § 42.74(c) is *granted*, and the Agreement (Ex. 2021) 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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FOR PETITIONER:

Peter P. Chen
COVINGTON & BURLING LLP
pchen@cov.com

Gregory S. Discher
COVINGTON & BURLING LLP
gdischer@cov.com

FOR PATENT OWNER:

Russell Tonkovich
FEINBERG DAY KRAMER ALBERTI LIM
TONKOVICH & BELLOLI LLP
rtonkovich@feinday.com

Bridget A. Smith
LOWENSTEIN & WEATHERWAX LLP
smith@lowensteinweatherwax.com