

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC, LG ELECTRONICS INC.,
and LG ELECTRONICS U.S.A., INC,
Petitioners,

v.

SONRAI MEMORY LIMITED,
Patent Owner.

IPR2021-01454¹
Patent 6,874,014 B2

Before GREGG I. ANDERSON, STACEY G. WHITE, and
JOHN D. HAMANN, *Administrative Patent Judges*.

HAMANN, *Administrative Patent Judge*.

ORDER

Settlement as to LGE
35 U.S.C. § 317; 37 C.F.R. § 42.74

¹ LG Electronics Inc. and LG Electronics U.S.A., Inc. (collectively “LGE”) were joined as parties to this proceeding via the grant of a Motion for Joinder in IPR2022-00756.

I. INTRODUCTION

With our authorization, LGE and Patent Owner Sonrai Memory Limited (“Patent Owner”) filed a joint motion to terminate the *inter partes* review pursuant to 37 C.F.R. § 42.71 and 35 U.S.C. § 317 with respect to LGE. Paper 25 (“Motion”). The Motion provides that “LGE and Patent Owner have resolved their disputes with respect to the [challenged patent] and have agreed to dismiss this proceeding and the district court proceeding.” Motion 1.

In addition, LGE and Patent Owner state that “[t]here is no written settlement agreement between the[m] . . . but, as directed by the Board, the parties file herewith as Exhibit 2004 and Exhibit 2005 true copies of the collateral agreements that resulted in the parties’ settlement pursuant to 37 C.F.R. § 42.74(b).” Motion 2. With our authorization, LGE and Patent Owner also filed a Joint Request to Keep Separate these exhibits. Paper 26 (“Request”).

II. DISCUSSION

Generally, the Board expects that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding. PTAB Consolidated Trial Practice Guide 86 (November 2019).² Here, although the Board has instituted *inter partes* review of the challenged patent, the Board has not decided the merits of this proceeding. Under the circumstances here, and based on the representations made by LGE and Patent Owner, we grant the Motion to Terminate the proceeding as to LGE.

² Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

LGE and Patent Owner also jointly request that “Exhibit 2004 and Exhibit 2005 be treated as business confidential information and be kept separate from the file of U.S. Patent No. 6,874,014.” Request 1. After reviewing these exhibits, we find that they contain confidential business information regarding the terms of settlement. Thus, we determine that good cause exists to treat the Exhibits 2004 and 2005 as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), to keep them separate from the file of the challenged patent, and to limit their availability.

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

III. ORDER

Accordingly, it is:

ORDERED that the Motion to Terminate the above-identified proceeding as to LGE is *granted*, and the proceeding is terminated with no remaining Petitioners; and

FURTHER ORDERED that Exhibits 2004 and 2005 are to be treated as business confidential information and kept separate from the patent file, 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).

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