

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS,  
Petitioner,

v.

AGIS SOFTWARE DEVELOPMENT LLC,  
Patent Owner.

---

IPR2022-01409  
Patent 9,820,123 B2

---

Before PATRICK M. BOUCHER, CHARLES J. BOUDREAU, and  
FREDERICK C. LANEY, *Administrative Patent Judges*.

BOUCHER, *Administrative Patent Judge*.

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

With our authorization, the parties filed a Joint Motion to Terminate Proceedings. Paper 8. The parties assert that they have “entered into a written confidential settlement agreement that settles all disputes between

them, including those relating to this proceeding and the related district court action, which was dismissed with prejudice on January 13, 2023.” *Id.* at 1. The parties represent that “a true copy of the Parties’ settlement agreement (including any other related agreement) has been filed as Exhibit 2011,” which we have reviewed. *Id.* The parties further certify that “there are no other collateral agreements or understandings, oral or written, between the parties made in connection with, or in contemplation of, the termination of this proceeding.” *Id.* at 2–3.

In a separate paper, the parties also “jointly request that the Board treat as business confidential information and keep separate from the file of the involved patent, the true and complete copy of the Settlement and License Agreement (Confidential Exhibit 2011), which is referenced in the Parties’ Joint Motion to Terminate.” Paper 9, 1.

The Board has not yet decided whether to institute a trial, and we determine that good cause exists to dismiss the Petition (Paper 3) and to terminate the preliminary proceeding. *See* 37 C.F.R. § 42.74. After reviewing the parties’ settlement agreement, we find that the settlement agreement contains confidential business information regarding the terms of settlement, and we determine that good cause exists to treat the settlement agreement as business confidential information. *See id.*

It is

ORDERED that the Joint Motion to Terminate Proceedings is  
*granted*;

IPR2022-01409  
Patent 9,820,123 B2

FURTHER ORDERED that the Petition (Paper 1) is *dismissed* and the preliminary proceeding is *terminated*; and

FURTHER ORDERED that the filed settlement agreement (Ex. 2011) be treated as business confidential information pursuant to 37 C.F.R. § 42.74(c) and also remain designated as available only to “Parties and Board” in the Board’s E2E system.

IPR2022-01409  
Patent 9,820,123 B2

PETITIONER

Justin Oliver  
Stephen Yam  
VENABLE LLP  
joliver@venable.com  
syam@venable.com

PATENT OWNER

Vincent Rubino  
Peter Lambrainakos  
Enique Iturralde  
FABRICANT LLP  
vrubino@fabricantllp.com  
palmbrianakos@fabricantllp.com  
eiturralde@fabricantllp.com