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Paper 16
Entered: October 17, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TIKTOK INC.,
Petitioner,

v.

ADVANCED CODING TECHNOLOGIES LLC,
Patent Owner.

IPR2022-01547 (Patent 9,313,244 B2)
IPR2022-01548 (Patent 9,445,041 B2)

Before BART A. GERSTENBLITH, NATHAN A. ENGELS, and RUSSELL E. CASS, *Administrative Patent Judges*.

GERSTENBLITH, *Administrative Patent Judge*.

TERMINATION
Due to Settlement After Institution of Trial
Granting Joint Request to Treat Settlement Agreement as
Business Confidential Information
35 U.S.C. § 317; 37 C.F.R. § 42.74

I. INTRODUCTION

With the Board's authorization, Petitioner and Patent Owner filed the following materials in each proceeding: (1) a Joint Motion to Terminate Proceeding ("Joint Motion"),[1] (2) a confidential Settlement Agreement,[2] and (3) a Joint Request to Treat Settlement Agreement as Business Confidential Information ("Joint Request").[3]

II. DISCUSSION

Pursuant to 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 the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed."

In each Joint Motion, the parties represent that they have reached an agreement to resolve their disputes and request termination of the proceeding. Joint Motion 1.[4] Specifically, the parties state that they reached a settlement as to all of their disputes pertaining to the subject patents, they have filed a true and correct copy of their Settlement Agreement in each proceeding, and there are no other agreements, written or oral, between the parties pertaining to their disputes regarding the subject patents. *Id.* at 2.

Although trial has been instituted in each proceeding, we have not yet decided the merits of either proceeding and final written decisions have not

[1] IPR2022-01547, Paper 14; IPR2022-01548, Paper 16.
[2] Exhibit 1022 in each proceeding.
[3] IPR2022-01547, Paper 15; IPR2022-01548, Paper 17.
[4] Citations in this format reflect that the pin citation is the same for each proceeding.

been entered. Notwithstanding that each proceeding has moved beyond the preliminary stage, the parties have shown adequately that termination is appropriate. Under these circumstances, we determine that good cause exists to terminate each proceeding.

The parties also filed a Joint Request that the Settlement Agreement be treated as business confidential information and be kept separate from the file of the subject patents. Joint Request 1. After reviewing the Settlement Agreement between the parties, we find that the Settlement Agreement contains confidential business information regarding the terms of settlement. We determine that good cause exists to treat the Settlement Agreement as business confidential information pursuant to 35 U.S.C. § 317(b) and 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

Accordingly, for the reasons discussed above, it is:

ORDERED that each Joint Motion to Terminate Proceeding is *granted*, and IPR2022-01547 and IPR2022-01548 are *terminated* pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72; and

FURTHER ORDERED that each Joint Request to Treat Settlement Agreement as Business Confidential Information is *granted*, and the Settlement Agreement (Ex. 1022) shall be kept separate from the file of U.S. Patent Nos. 9,313,244 B2 and 9,445,041 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).

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