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Paper 42
Date: February 16, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

MYPORT, INC.,
Patent Owner.

IPR2023-00023 (Patent 9,832,017 B2)
IPR2023-00024 (Patent 10,237,067 B2)
IPR2023-00025 (Patent 10,721,066 B2)[1]

Before JEAN R. HOMERE, TERRENCE W. McMILLIN, and SEAN P. O'HANLON, *Administrative Patent Judges*.

O'HANLON, *Administrative Patent Judge*.

TERMINATION
Due to Settlement After Institution of Trial
35 U.S.C. § 317; 37 C.F.R. § 42.74

[1] This Order applies to each of the listed proceedings. The parties are not authorized to use this caption for any subsequent papers absent prior authorization from the Board.

I. INTRODUCTION

On February 15, 2024, with Board authorization (*see* Paper 39), Petitioner and Patent Owner filed a joint motion to terminate the above-captioned proceedings.[2] Paper 40 ("Mot."). Along with the motion, the parties filed a copy of a Confidential Settlement Agreement (Ex. 1037), as well as a joint request to treat the Confidential Settlement Agreement as business confidential information (Paper 41). *See* 37 C.F.R. § 42.74(c) ("A party to a settlement may request that the settlement be treated as business confidential information and be kept separate from the files of an involved patent or application.").

II. DISCUSSION

Under 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." It is also provided in 35 U.S.C. § 317(a) that if no petitioner remains, the Office may terminate the *inter partes* review.

In each of these proceedings, the Board issued a decision to institute *inter partes* review. Paper 21. However, the Board has not yet decided the merits of the proceedings or entered final written decisions. In the joint motion, the parties state that they have settled their dispute and have reached an agreement to request termination of these *inter partes* reviews. Paper 40,

[2] Citations herein refer to documents filed in IPR2023-00023. Similar documents were filed in the other proceedings.

1–2. Accordingly, in the circumstances present here, we determine that it is appropriate to terminate the proceedings. 37 C.F.R. § 42.71(a). This Order does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

The parties also ask that the Confidential Settlement Agreement be treated as business confidential information and be kept separate from the file of the challenged patent. Paper 41. We determine that it is appropriate to treat the Confidential Settlement Agreement as business confidential information, and to keep that document separate from the files of the challenged patent, pursuant to 37 C.F.R. § 42.74(c).

III. ORDER

Accordingly, it is:

ORDERED that Joint Motion to Terminate (Paper 40) is *granted*;

FURTHER ORDERED that the Joint Request to treat the Confidential Settlement Agreement as business confidential information (Paper 41) is *granted*;

FURTHER ORDERED that the Confidential Settlement Agreement (Ex. 1037) shall remain designated as "Parties and Board Only" in the Board's electronic filing system, be kept separate from the files of the involved patent, and be made available only under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c); and

FURTHER ORDERED that IPR2023-00023, IPR2023-00024, and IPR2023-00025 are *terminated*.

IPR2023-00023 (Patent 9,832,017 B2)
IPR2023-00024 (Patent 10,237,067 B2)
IPR2023-00025 (Patent 10,721,066 B2)

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