

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

AIRE TECHNOLOGY LIMITED,
Patent Owner.

IPR2023-00080
Patent 8,205,249 B2

Before MIRIAM L. QUINN, JEFFREY S. SMITH, and
BRIAN J. McNAMARA, *Administrative Patent Judges*.

SMITH, *Administrative Patent Judge*.

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

On November 18, 2019, pursuant to Board authorization, Petitioner and Patent Owner filed a Joint Motion to Terminate the proceeding identified in the caption. Paper 10. Along with the motion, the parties filed a copy of a document they describe as a Settlement Agreement (Ex. 1026), as well as a joint request to treat the Settlement Agreement as business confidential information. Paper 11; *see* 37 C.F.R. § 42.74(c) (a party to a settlement may request that the settlement agreement be treated as business confidential and be kept separate from the patent file).

The Board has issued a decision to institute the requested review, but has not entered a final written decision. The parties' filed their Join Motion to Terminate while the proceeding was at an early stage, before the Patent Owner Response was due. The parties state in the joint motion that they have settled their dispute and have reached an agreement to terminate this *inter partes* review. Paper 10. The parties further state that there are no other agreements written or oral between them, including any collateral agreements, made in connection with, or in contemplation of the termination of this proceeding. We are persuaded that, under these circumstances, it is appropriate to terminate this proceeding. 37 C.F.R. § 42.71(a). We further determine that the settlement agreement contains business confidential information and that the parties have shown good cause that the Settlement Agreement be treated as business confidential and kept separate from the patent file. This Order does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

It is therefore

ORDERED that the Joint Motion to Terminate is *granted* and this proceeding is *terminated* with respect to Petitioner and Patent Owner; and

FURTHER ORDERED that the joint request that the Settlement Agreement (Ex. 1026) be treated as business confidential information, to be kept separate from the patent file, is *granted* in this proceeding.

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