Trials@uspto.gov
571-272-7822

Paper 9
Entered: March 6, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

PARUS HOLDINGS INC.,
Patent Owner.

IPR2023-00307
Patent 9,769,314 B2

Before DAVID C. McKONE, PATRICK M. BOUCHER, and JAMES J. MAYBERRY, *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 this proceeding. Paper 7. The parties assert that "the dispute between the parties has been resolved," and that they "jointly move to terminate the

present *inter partes* review proceeding with respect to both the Petitioner and Patent Owner," in light of that resolution and "the executed written agreement regarding the parties' resolution." *Id.* at 2. The parties represent that Exhibit 1100, which we have reviewed, is "a true copy of the executed written agreement." *Id.* The parties further represent that "the parties made no collateral agreements or understandings in connection with, or in contemplation of, the termination of the *inter partes* review." *Id.*

In a separate paper, the parties state that they "consider the settlement agreement to contain highly sensitive business confidential information that would substantially harm their business interests if publicly disclosed." Paper 8, 2. They accordingly request that the Board treat Exhibit 1100 as business confidential information and kept separate from the file of the involved patent. *Id.*

The Board has not yet decided whether to institute a trial, and we determine that good cause exists to dismiss the Petition (Paper 1) 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 is *granted*;

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

FURTHER ORDERED that Exhibit 1100 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 P-TACTS system.

PETITIONER:

Andrew Ehmke
Brian Kwok
Calmann Clements
HAYNES AND BOONE, LLP
Andy.ehmke.ipr@haynesboone.com
Brian.kwok.ipr@haynesboone.com
Calmann.clements.ip@haynsboone.com

PATENT OWNER:

John Campbell
Scott Hejny
MCKOOL SMITH, P.C.
jcampbell@mckoolsmith.com
shejny@mckoolsmith.com