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Paper 16
Entered: October 30, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AKAMAI TECHNOLOGIES, INC.,
Petitioner,

v.

EQUIL IP HOLDINGS LLC,
Patent Owner.

IPR2023-00329
Patent 6,792,575 B1

Before RICHARD M. LEBOVITZ, ROBERT J. WEINSCHENK, and SHARON FENICK, *Administrative Patent Judges*.

WEINSCHENK, *Administrative Patent Judge*.

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

I. INTRODUCTION

With the Board's authorization, Petitioner and Patent Owner (collectively, "the Parties") filed a Joint Motion to terminate this proceeding. Paper 14 ("Joint Motion"). Along with the Joint Motion, the Parties filed a copy of a settlement agreement. Ex. 2015 ("Settlement Agreement"). The Parties also filed a Joint Request to treat the Settlement Agreement as business confidential information and keep it separate from the file of U.S. Patent No. 6,792,575 B1 ("the '575 patent"). Paper 15 ("Joint Request").

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

In the Joint Motion, the Parties represent that the Settlement Agreement resolves their underlying dispute involving the '575 patent. Joint Motion 1. The Parties represent that they have filed a true copy of the Settlement Agreement made in connection with, or in contemplation of, the termination of this proceeding. *Id.* at 3. The Parties represent that "[t]here are no collateral agreements or understandings made in connection with, or in contemplation of, the termination of this *inter partes* review." *Id.*

We instituted trial in the instant proceeding on July 21, 2023. *See* Paper 10. We have not yet decided the merits of the proceeding, and a final written decision has not been entered. Notwithstanding that the instant proceeding has moved beyond the preliminary stage, the Parties have shown

adequately that termination of the proceeding is appropriate. Under these circumstances, we determine that good cause exists to terminate this *inter partes* review proceeding with respect to the Parties.

The Parties also request that the Settlement Agreement be treated as business confidential information and kept separate from the file of the '575 patent. Joint Request 1. After reviewing the Settlement Agreement, we find that it contains confidential business information regarding the terms of settlement. Thus, 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, it is:

ORDERED that the Joint Motion to terminate (Paper 14) is *granted*, and IPR2023-00329 is *terminated* with respect to Petitioner and Patent Owner; and

FURTHER ORDERED that the Joint Request to treat the Settlement Agreement as business confidential information (Paper 15) is *granted*; and

FURTHER ORDERED that the Settlement Agreement (Ex. 2015) shall be kept separate from the file of U.S. Patent No. 6,792,575 B1, 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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