

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DISH NETWORK CORPORATION, DISH NETWORK L.L.C., and
DISH NETWORK SERVICE L.L.C.,
Petitioner,

v.

ENTROPIC COMMUNICATIONS, LLC,
Patent Owner.

IPR2023-00393
Patent 8,792,008 B2

Before LYNNE H. BROWNE, PATRICK R. SCANLON, and
JON M. JURGOVAN, *Administrative Patent Judges*.

SCANLON, *Administrative Patent Judge*.

DECISION
Settlement Prior to Institution of Trial
37 C.F.R. § 42.74

I. DISCUSSION

On September 11, 2023, with our authorization, DISH Network Corporation, DISH Network L.L.C., and Dish Network Service L.L.C. (collectively, “Petitioner”) and Entropic Communications, LLC (“Patent Owner”), jointly filed: (1) a Joint Motion to Terminate Proceeding Pursuant to 35 U.S.C. § 317 and 37 C.F.R. §§ 42.72, 42.74 (Paper 12, “Mot.”); (2) a true copy of the parties’ settlement agreement (Ex. 1032, “the Agreement”); and (3) a Joint Request for Agreement to be Treated as Business Confidential Information and be Kept Separate Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74 (Paper 13). For the following reasons, we *grant* the parties’ Joint Motion to Terminate Proceeding and their joint request to keep the Agreement as business confidential information.

This proceeding is still in its preliminary stage. On February 6, 2023, Petitioner filed a Petition requesting an *inter partes* review (“IPR”) of claims 1–18 of U.S. Patent No. 8,792,008 B2 (“the ’008 patent”). Paper 1. Patent Owner filed a Preliminary Response on June 20, 2023. Paper 7. We have not entered an institution decision.

In the Joint Motion to Terminate Proceeding, the parties indicate that they have entered into the Agreement, which completely resolves all pending controversies between the parties concerning the ’008 patent, and pursuant to which they agreed to seek termination of this IPR proceeding. Mot. 1, 2. The parties represent that “a true copy of the Agreement in connection with this matter as required by statute” has been submitted concurrently herewith. *Id.* at 1. The parties also “jointly certify that there are no other agreements or understandings, oral or written, between them, including any collateral agreements, made in connection with, or in contemplation of, the termination of this proceeding.” *Id.*

Under these particular circumstances, we determine that it is appropriate to dismiss the Petition without rendering any further decisions, thereby terminating this proceeding. *See* 37 C.F.R. § 42.71(a). We also have reviewed the true copy of the parties' Agreement, and we determine that good cause exists to treat the Agreement as business confidential information, and keep it separate from the file of the involved patents, under 37 C.F.R. § 42.74(c).

II. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the parties' joint request to treat the true copy of the Agreement as business confidential information, and to keep separate from the file of the involved patent, under 37 C.F.R. § 42.74(c) is *granted*;

FURTHER ORDERED that the Agreement (Exhibit 1032) shall remain business confidential information, and shall be kept separate from the file of the involved patent; and

FURTHER ORDERED that the parties' Joint Motion to Terminate Proceeding is *granted*, and the Petition is dismissed resulting in termination of this proceeding.

IPR2023-00393
Patent 8,792,008 B2

FOR PETITIONER:

Patrick J. McKeever
mckeever-ptab@perkinscoie.com

David St. John-Larkin
St-john-larkin-ptab@perkinscoie.com

FOR PATENT OWNER:

Jason Engel
Jason.engel.ptab@klgates.com

Katherine Allor
Katy.allor@klgates.com

Samuel Richey
Samuel.richey@klgates.com

Brian Bozzo
Brian.bozzo@klgates.com