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571-272-7822

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZTE (USA) INC.,
Petitioner,

v.

WSOU INVESTMENTS, LLC
d/b/a BRAZOS LICENSING AND DEVELOPMENT,
Patent Owner.

IPR2023-00497 (Patent 8,149,776 B2)
IPR2023-00498 (Patent 8,767,614 B2)
IPR2023-00499 (Patent 7,872,973 B2)
IPR2023-00500 (Patent 7,477,876 B2)[1]

Before THU A. DANG, BRIAN J. McNAMARA, and
ROBERT J. WEINSCHENK, *Administrative Patent Judges*.

WEINSCHENK, *Administrative Patent Judge*.

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

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[1] This Decision pertains to all of these cases. Therefore, we exercise our discretion to issue a single Decision to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

I. INTRODUCTION

The parties filed a Joint Motion to Terminate Proceedings. Paper 9 ("Motion" or "Mot.").[2] The parties also filed a copy of a Settlement Agreement. Ex. 1011 ("Agreement").[3] In a Joint Request, the parties identified the Agreement as business confidential information and requested that the Agreement be kept separate from the patent file. Paper 10 ("Joint Request").[4] For the reasons discussed below, the Motion and Joint Request are *granted*.

II. ANALYSIS

We have not decided the merits of these proceedings. The parties indicate that they have settled their disputes regarding the challenged patents. Mot. 1. The parties filed the Agreement and state that "[t]here are no collateral agreements or understandings made in connection with, or in contemplation of, the termination of the proceeding." *Id.* "There are strong public policy reasons to favor settlement between the parties to a proceeding," and, thus, "[t]he Board expects that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding." Consolidated Trial Practice Guide, 86 (Nov. 2019), *available at* https://www.uspto.gov/sites/default/files/

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[2] We cite to the record in IPR2023-00497, unless otherwise noted. The parties filed similar motions in IPR2023-00498 (Paper 9), IPR2023-00499 (Paper 9), and IPR2023-00500 (Paper 9).

[3] The parties also filed the Agreement in IPR2023-00498 (Ex. 1015), IPR2023-00499 (Ex. 1016), and IPR2023-00500 (Ex. 1012).

[4] The parties filed similar requests in IPR2023-00498 (Paper 10), IPR2023-00499 (Paper 10), and IPR2023-00500 (Paper 10).

documents/tpgnov.pdf ("TPG").

Under these circumstances, we determine that it is appropriate to terminate these proceedings. *See* 37 C.F.R. § 42.72. We also determine that it is appropriate to treat the Agreement as business confidential information to be kept separate from the patent file. *See* 37 C.F.R. § 42.74(c).

III. ORDER

It is hereby

ORDERED that the Joint Motion to Terminate Proceedings is *granted*;

FURTHER ORDERED that these proceedings are *terminated* as to all parties; and

FURTHER ORDERED that the Joint Request to treat the Agreement as business confidential information to be kept separate from the patent file is *granted*.

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