

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ERICSSON INC.,
Petitioner,

v.

KONINKLIJKE KPN N.V.,
Patent Owner.

IPR2023-00582
Patent 8,660,560 B2

Before NORMAN H. BEAMER, KARA L. SZPONDOWSKI,
and SCOTT RAEVSKY, *Administrative Patent Judges*.

BEAMER, *Administrative Patent Judge*.

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

With the Board's authorization, Petitioner and Patent Owner filed a Joint Motion to Terminate Proceeding. Paper 13. The parties also filed their confidential Settlement And License Agreement (Ex. 1022) and a Joint Request To Treat As Confidential And Keep Separate Pursuant To 37 C.F.R § 42.74(c) (Paper 14).

The parties represent that they have settled their dispute in this proceeding and in the related district-court litigation and they filed true copies of their agreement in its entirety. Paper 13, 1. The parties also represent that there are no other agreements between them made in connection with or in contemplation of the termination of these proceedings. *Id.* According to the parties, the agreement that they filed contains confidential information under the Board's rules. Paper 14, 1–2 (citing 37 C.F.R. § 42.74).

The parties assert that this proceeding should be terminated because (1) the Board has not decided the merits, (2) the parties have settled their dispute, and (3) the parties jointly request termination. Paper 13, 1–2. We agree that termination is appropriate for all those reasons. *See Consolidated Trial Practice Guide*, 86 (Nov. 2019) (“The 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.”).¹

We also agree that the agreement filed in this proceeding contains confidential information under the Board's rules. *See Ex. 1022.* Therefore, the agreement should be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

This Order does not constitute a final written decision under 35 U.S.C. § 318(a).

¹ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

ORDER

It is

ORDERED that the parties' Joint Motion to Terminate the Proceedings (Paper 13) is *granted*;

FURTHER ORDERED that the parties' Joint Motion to File the Agreement as Business Confidential Information (Paper 14) is *granted* and the parties' confidential agreement (Ex. 1022) shall be treated as business confidential information and be kept separate from the files of the challenged patent, U.S. Patent No. 8,660,560 B2, and made available only under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c); and

FURTHER ORDERED that these proceedings are terminated.

IPR2023-00582
Patent 8,660,560 B2

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