

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ERICSSON INC.,
Petitioner,

v.

DALI WIRELESS, INC.,
Patent Owner.

IPR2023-00795
Patent 10,750,382 B2

Before HUBERT C. LORIN, SHARON FENICK, and
JOHN R. KENNY, *Administrative Patent Judges*.

LORIN, *Administrative Patent Judge*.

DECISION

Granting Joint Motion to Terminate Proceeding Due to
Settlement before Institution and
Granting Joint Request to Treat Settlement Agreements as
Business Confidential Information
37 C.F.R. § 42.74

I. INTRODUCTION

Petitioner and Patent Owner (collectively “the Parties”) have requested that the above-identified *inter partes* review proceeding be terminated pursuant to a settlement. On June 30, 2023, the Parties filed a Joint Motion to Terminate Proceeding in the above-identified proceeding (“Motion”). Paper 6. The Parties previously sought authorization to file the Motion and received that authorization via email on June 28, 2023. Motion 1. The Parties also filed a copy of a settlement agreement (Ex. 1017, “Settlement Agreement”) and filed a Joint Request to File Settlement Agreement as Business Confidential Information (Paper 7, “Request”).

II. DISCUSSION

In the Motion, the Parties represent that they have reached an agreement that settles all disputes between them regarding Patent 10,750,382 B2, that the filed copy of the Settlement Agreement is a true copy, and “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 Ericsson from this proceeding as set forth in 35 U.S.C. § 317(b).” Motion 1. The parties further state that the Settlement Agreement “represents all agreements made in connection with, or in contemplation of, the termination of this proceeding.” *Id.* at 7.

We have not yet instituted a trial on the above-identified proceeding. Nor have we decided the merits of the proceeding, and final written decisions has not been entered in the proceeding. The Parties have shown adequately that termination of the proceeding is appropriate. Under these

circumstances, we determine that good cause exists to terminate the proceeding with respect to the Parties.

The Parties also requested that the Settlement Agreement be treated as business confidential information and be kept separate from the files of Patent 10,750,382 B2. Request 1. After reviewing the Settlement Agreement, we find that the Settlement Agreement contains confidential business information regarding the terms of settlement. We determine that good cause exists to treat the Settlement Agreement between the Parties 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, for the reasons discussed above, it is:

ORDERED that the Motion is *granted*, and IPR2023-00795 is *terminated* with respect to Petitioner and Patent Owner; and

FURTHER ORDERED that the Request is *granted*, and the Settlement Agreement shall be kept separate from the file of Patent 10,750,382 B2 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).

IPR2023-00795
Patent 10,750,382 B2

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