

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMMSCOPE TECHNOLOGIES LLC,
Petitioner,

v.

DALI WIRELESS, INC.,
Patent Owner.

IPR2023-00892
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-in-part 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 October 27, 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 October 23, 2023. The Parties also filed a copy of a settlement agreement (Ex. 1027, “Settlement Agreement”) and filed a Joint Request to Treat the Settlement Agreement as Business Confidential Information (Paper 7, “Request”).

II. DISCUSSION

In the Joint Motion, the Parties represent that they have reached an agreement to jointly seek termination of this proceeding, they “have settled their entire dispute concerning the challenged patent,” and the filed copy of the Settlement Agreement is a “true copy.” Motion 2; *see also* Joint Request 2 (“The Settlement Agreement fully resolves all disputes between CommScope and Dali relating to U.S. Patent No. 10,750,382 before the district court and the Patent Trial and Appeal Board.”). The Parties certify that, “other than Exhibit 1027, they made no collateral agreements or understandings in connection with, or in contemplation of, the termination” of this proceeding. Motion 2.

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 request that the Settlement Agreement be treated as business confidential information and be kept separate from the files of Patent 10,750,382 B2. Request 2–3. 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).

The Parties additionally

jointly request that the Board order that in the event a person or entity makes a written request, as stated in 37 C.F.R. § 42.74(c)(1)-(2), for access to the settlement agreement, that any such written request be served upon the parties on the day the written request is provided to the Board.

Request 3. We deny this part of the Request that seeks an order from the Board that, in the event a person or entity makes a written request, as stated in 37 C.F.R. § 42.74(c)(1)-(2), for access to the Settlement Agreement, any such written request be served upon the parties on the day the written request is provided to the Board. Neither the statute nor the rule includes such a requirement.

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 IPR2023-00892 is *terminated* with respect to Petitioner and Patent Owner;

FURTHER ORDERED that the Request is *granted-in-part* in the manner described above; that is, 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).

IPR2023-00892
Patent 10,750,382 B2

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