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Paper 22
Date: July 16, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION,
Petitioner,

v.

AX WIRELESS, LLC,
Patent Owner.

IPR2023-01135 (Patent 9,973,361 B2)
IPR2023-01136 (Patent 10,079,707 B1)
IPR2023-01137 (Patent 10,291,449 B2)
IPR2023-01138 (Patent 10,554,459 B2)
IPR2023-01139 (Patent 10,917,272 B2)
IPR2023-01143 (Patent 9,584,262 B2)
IPR2023-01144 (Patent 9,614,566 B2)
IPR2023-01145 (Patent 11,212,146 B2)[1]

Before KRISTEN L. DROESCH, TERRENCE W. McMILLIN, JOHN D. HAMANN, and MICHAEL T. CYGAN, *Administrative Patent Judges.*

PER CURIAM.

ORDER
Conduct of the Proceeding
35 U.S.C. § 317; 37 C.F.R. § 42.74

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[1] This Order addresses issues that are the same in each of these proceedings. We issue one Order to be entered in each proceeding. The parties are not authorized to use this style caption unless later permitted.

On June 27, 2024, with Board authorization, the parties filed in each of these proceedings a "Joint Motion to Terminate Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74." Paper 33[2] ("Motion" or "Mot."). In their Motions, the parties jointly request that these proceedings be terminated. Mot. 1. The parties assert "that termination is appropriate because they have reached an agreement resolving their dispute." *Id.*

In addition, the parties filed in each of these proceedings a "Joint Request to File Confidential Statement As Business Confidential Information Pursuant to 35 U.S.C. § 317(b) And 37 C.F.R. § 42.74(c)." Paper 34 ("Joint Request"). In their Joint Requests, "the parties request that Confidential Exhibit 1050 be kept separate from the file of the involved patent and be made available, on written request to the Board, only to Federal Government agencies or to any person on a showing of good cause."

For the reasons set forth herein, we deny without prejudice the Motion and Joint Request in each of these proceedings.

I. DISCUSSION

The parties have failed to show that they have complied with either 35 U.S.C. § 317 or 37 C.F.R. § 42.74 by filing a true copy of any agreement or understanding, made in connection with, or in contemplation of, the termination of these proceedings. 35 U.S.C. § 317(b) provides:

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[2] We refer to papers and exhibits in IPR2023-01135. Similar documents were filed in each of the captioned proceedings and this Order applies to all of the captioned proceedings.

> Any agreement or understanding between the patent owner and a petitioner, including any collateral agreements referred to in such agreement or understanding, made in connection with, or in contemplation of, the termination of an inter partes review under this section shall be in writing and a true copy of such agreement or understanding shall be filed in the Office before the termination of the inter partes review as between the parties.

37 C.F.R. § 42.74(b) provides: "Any agreement or understanding between the parties made in connection with, or in contemplation of, the termination of a proceeding shall be in writing and a true copy shall be filed with the Board before the termination of the trial." Any such agreement or understanding must be filed before the termination of these proceedings.

With regard to the Joint Requests to treat Exhibit 1050 as business confidential information, we have reviewed Exhibit 1050 and do not find that it contains any confidential information. In the Joint Requests, the parties have failed to identify any confidential information in Exhibit 1050. Moreover, it does not appear that Exhibit 1050 is the settlement agreement of the parties. However, we will maintain Exhibit 1050 as confidential for the time being subject to the parties establishing that it contains confidential information or withdrawing Exhibit 1050.

Although, on the present record, we are denying the Motions and Joint Requests in each of the proceedings, our denial is without prejudice. We authorize the parties to file renewed motions to terminate these proceedings and renewed requests to treat their settlement papers as confidential.

II. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that, in each of IPR2023-01135, IPR2023-01136, IPR2023-01137, IPR2023-01138, IPR2023-01139, IPR2023-01143, IPR2023-01144, and IPR2023-01145, the Joint Motion to Terminate Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74 is *denied*; and

FURTHER ORDERED that, in each of in each of these proceedings, the Joint Request to File Confidential Statement As Business Confidential Information Pursuant to 35 U.S.C. § 317(b) And 37 C.F.R. § 42.74(c) is *denied*.

IPR2023-01135 (Patent 9,973,361 B2); IPR2023-01136 (Patent 10,079,707 B1); IPR2023-01137 (Patent 10,291,449 B2); IPR2023-01138 (Patent 10,554,459 B2); IPR2023-01139 (Patent 10,917,272 B2); IPR2023-01143 (Patent 9,584,262 B2); IPR2023-01144 (Patent 9,614,566 B2); IPR2023-01145 (Patent 11,212,146 B2)

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