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571-272-7822

Paper 40
Date: July 31, 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*.[2]

PER CURIAM.

ORDER
Termination Due To Settlement
35 U.S.C. § 317; 37 C.F.R. § 42.74

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[1] This Order applies to each of the above-listed proceedings. The parties are not authorized to use this form of caption.
[2] There is not an expanded panel in any of the above-listed proceedings.

I. INTRODUCTION

With Board authorization, the parties filed Joint Motions to Terminate the above-identified *inter partes* review proceedings due to settlement. Paper 33 ("Joint Motion").[3] The Parties also filed Joint Requests to File Confidential Statement as Business Confidential Information Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) in each of the above-identified proceedings. Paper 34 ("Joint Request"). The Board denied the parties' Motions and Joint Requests without prejudice, and authorized the parties to file renewed motions to terminate the above-identified proceedings and renewed requests to treat their settlement papers as confidential after filing true copies of the settlement agreements. Paper 36 ("Order").

Thereafter, in each of the above-identified proceedings, the parties filed a "Renewed Joint Motion to Terminate Proceeding Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74." Paper 38 ("Renewed Motion"). In support of the Renewed Motions, in each of the above-identified proceedings, the parties filed a "Confidential Covenant Agreement." Ex. 2082 ("Settlement Agreement"). In each of the above-identified proceedings, the parties also filed a "Renewed Joint Request to File Agreement as Business Confidential Information Under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c)." Paper 39 ("Renewed Request").

In each of the above-identified proceedings, the parties further filed a "Joint Motion to Expunge" the previously filed Confidential Statement Exhibit pursuant to 37 C.F.R. § 42.56. Paper 37.

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[3] We refer to papers and exhibits in IPR2023-01135. Similar documents were filed in each of the captioned proceedings.

II. DISCUSSION

In each Renewed Motion, the parties represent that they have reached an agreement to jointly seek termination of the above-identified *inter partes* review proceedings. Renewed Motion 1–2. The parties further represent that the Settlement Agreement resolves all currently pending Patent Office and District Court proceedings between the parties involving the above-identified patents. *Id.* at 2. The parties filed a copy of the Settlement Agreement, and the parties represent that the filed copy of the Settlement Agreement includes all agreements that resolve the issues in the above-identified proceedings. *Id.*

Petitioner and Patent Owner have shown adequately that termination of the proceedings is appropriate because of the resolution of their dispute. We have not yet decided the merits of the proceedings and a final written decision has not been entered in any of these proceedings. Under these circumstances, we determine that good cause exists to terminate the proceedings.

The parties also filed a Renewed Request that the Settlement Agreement be treated as business confidential information and be kept separate from the file of the respective patents involved in each of the above-identified *inter partes* proceedings. Renewed Request 1. After reviewing the Settlement Agreement (Ex. 2082) between Petitioner and Patent Owner, 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 Petitioner and Patent Owner as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

The parties further filed a Joint Motion to Expunge Exhibit 1050[4] (the confidential statement filed with the original motions to terminate) from the record in each of the above-identified proceedings. Paper 37. The parties represent that the Joint Motions to Terminate and the Settlement Agreement filed results in Exhibit 1050 being unnecessary and request that it be stricken from the record. *Id.* at 1. We determine that it is appropriate to expunge Exhibit 1050 from the record.

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 Renewed Joint Motions to Terminate are *granted*, and the proceedings in IPR2023-01135, IPR2023-01136, IPR2023-01137, IPR2021-01138, IPR2023-01139, IPR2023-01143, IPR2023-01144, and IPR2023-01145 are *terminated*;

FURTHER ORDERED that the Renewed Joint Requests to File the Settlement Agreement as Business Confidential Information are *granted*, and the Settlement Agreement (Ex. 2082) for IPR2023-01135 shall be kept separate from the file of Patent 9,973,361 B2, the Settlement Agreement (Ex. 2082) for IPR2023-01136 shall be kept separate from the file of Patent 10,079,707 B1, the Settlement Agreement (Ex. 2082) for IPR2023-01137 shall be kept separate from the file of Patent 10,291,449 B2, the Settlement Agreement (Ex. 2082) for IPR2023-01138

[4] The corresponding document is Exhibit 1050 in IPR2023-01136, IPR2023-01137, and IPR2021-01138; Exhibit 1051 in IPR2023-01139; Exhibit 1047 in IPR2023-01143; Exhibit 1048 in IPR2023-01144; and Exhibit 1049 in IPR2023-01145.

shall be kept separate from the file of Patent 10,554,459 B2, the Settlement Agreement (Ex. 2082) for IPR2023-01139 shall be kept separate from the file of Patent 10,917,272 B2, the Settlement Agreement (Ex. 2082) for IPR2023-01143 shall be kept separate from the file of Patent 9,584,262 B2, the Settlement Agreement (Ex. 2082) for IPR2023-01144 shall be kept separate from the file of Patent 9,614,566 B2, and the Settlement Agreement (Ex. 2082) for IPR2023-01145 shall be kept separate from the file of Patent 11,212,146 B2, and the Settlement Agreement shall be 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);

FURTHER ORDERED that Exhibit 1050 be expunged from the record in IPR2023-01135, IPR2023-01136, IPR2023-01137, and IPR2021-01138; Exhibit 1051 be expunged from the record in IPR2023-01139; Exhibit 1047 be expunged from the record in IPR2023-01143; Exhibit 1048 be expunged from the record in IPR2023-01144; and Exhibit 1049 be expunged from the record in IPR2023-01145; and

FURTHER ORDERED that, in view of the termination of these proceedings, the Joint Motions for Entry of Protective Order pending in each of these proceedings are dismissed as moot.

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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